# TRAFFICKING AND ABUSE OF "CRACK" IN NEW YORK CITY

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# HEARING

BEFORE THE

## SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL HOUSE OF REPRESENTATIVES

NINETY-NINTH CONGRESS

SECOND SESSION

JULY 18, 1986

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(99th Congress)

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# CONTENTS

Page

Testimony of Hon. Alfonse D'Amato, a U.S. Senator from the State of New York ..... 3
Testimony of Hon. Lawton Chiles, a U.S. Senator from the State of Florida ..... 5
Opening statement of Hon. Frank J. Guarini, a U.S. Representative from the State of New Jersey ..... 6
Opening statement of Hon. Joseph J. DioGuardi, a U.S. Representative from the State of New York ..... 7
Opening statement of Hon. Mario Biaggi, a U.S. Representative from the State of New York ..... 8
Testimony of Mario Cuomo, Governor of New York, accompanied by Dr. Larry Kurlander, Director, Criminal Justice Division, and Julio Martinez, Director, Division of Substance Abuse Services ..... 11
Testimony of Hon. Edward Koch, Mayor, City of New York, NY ..... 30
Testimony of Gordon Ambach, Commissioner of Education, New York State ..... 45
Testimony of Charles I. Schonhaut, Deputy Chancellor, New York City Schools ..... 51
Testimony of Julio Martinez, Director, New York State Division of Substance Abuse Services ..... 53
Testimony of William Hopkins, Supervisor, Street Research Unit, New York State Division of Substance Abuse Services ..... 55
Testimony of Lillian Glogau, Retired Elementary Principal ..... 56
Testimony of Levander Lilly, Assistant to Chancellor, New York City Public Schools ..... 69
Testimony of Benjamin Ward, Commissioner, New York City Police Department ..... 80
Testimony of Robert Morgenthau, Manhattan District Attorney ..... 86
Testimony of Sterling Johnson, Special Narcotics Prosecutor, New York City ..... 88
Testimony of Donald Chesworth, Superintendent, New York State Police ..... 90
Testimony of Robert Stutman, Special Agent-In-Charge, New York Division, Drug Enforcement Administration ..... 93
Testimony of Dr. Robert Polk, Executive Director, Council of Churches of Greater New York ..... 108
Testimony of Dr. Beny Primm, Executive Director, Addiction Research Corp ..... 110
Testimony of David Paterson, New York State Senator ..... 113
Prepared statements:
- Hon. Charles B. Rangel ..... 116
- Hon. Ted Weiss ..... 121
- Hon. Mario M. Cuomo ..... 123
- Hon. Edward I. Koch ..... 140
- Gordon M. Ambach ..... 155
- Hon. Alfonse M. D'Amato ..... 164
- Charles I. Schonhaut ..... 166
- Julio A. Martinez ..... 178
- William Hopkins ..... 183
- Lillian Glogau ..... 190
- Benjamin Ward ..... 195
- Robert M. Morgenthau ..... 207
- Sterling Johnson, Jr ..... 227
- Donald O. Chesworth ..... 233
- Robert M. Stutman ..... 257
- Robert L. Polk ..... 270
- Beny J. Primm, M.D ..... 277
- Hon. Daniel Patrick Moynihan ..... 282
- Rabbi Hillel Friedman ..... 285
- John T. Comer ..... 288
- John M. Blangiardo ..... 290

# TRAFFICKING AND ABUSE OF "CRACK" IN NEW YORK CITY

FRIDAY, JULY 18, 1986

House of Representatives,
Select Committee on Narcotics Abuse and Control,
*New York City, NY.*

The committee met, pursuant to call, at 9:30 a.m., in the U.S. Court of International Trade, Ceremonial Courtroom, One Federal Plaza, the Hon. Charles B. Rangel (chairman of the committee) presiding.

Present: Representatives Charles B. Rangel, Frank J. Guarini, Edolphus "Ed" Towns, Benjamin A. Gilman, and Joseph J. DioGuardi.

Also present: Senators Alfonse M. D'Amato, and Lawton Chiles; Representatives Mario Biaggi, John Conyers, Jr., Bill Green, and Ted Weiss.

Staff present: John T. Cusack, chief of staff; Elliott A. Brown, minority staff director; Edward A. Jurith, counsel: and Ron LeGrand, counsel

Mr. Rangel. The Select Committee on Narcotics Abuse and Control will open its hearing.

Let me thank the members of the Select Narcotics Committee for joining us here in New York for this important hearing. Certainly Ben Gilman, the Ranking Minority Member, Frank Guarini, one of the hardest working members we have in the Congress and on the committee, and Joe DioGuardi, a member of the Congressional committee, also Ed Towns.

We are able to function in the Congress because we have the support of our colleagues, and we have also been joined by Mario Biaggi, who I am asking my colleagues to yield to in terms of questioning because he has to leave early to attend a funeral; Ted Weiss, my partner on the west side, and representing Manhattan; and Bill Green, the third Member of Congress from the county of New York.

Of course, most of you recognize the great crusader in this fight against drugs, Senator Al D'Amato, and most of you should know Senator Chiles who has made this one of his top priorities in the Congress and someone we can always depend on not just for support but, more importantly, for leadership.

Most all of you are here because you recognize how serious the problem is. Most of you know we are trying to develop a national strategy to deal with it, and most of you know the problem is getting worse instead of better, and we come here because Crack has now appeared to be taking more casualties than the straight use of cocaine and heroin and marijuana, and we do hope by these type of hearings and by having people to come to testify that we will focus attention and perhaps get a response from the White House.

Certainly Governor Mario Cuomo has provided leadership in the state, but more importantly, in the country, with problems we face and bringing solutions to those problems, and he will be our kick-off witness.

And we also have the Mayor of the great city of New York, whose words have been recorded against the spread of narcotics on the floor of the House of Representatives, as well as throughout the nation, and I laud him for his well thought-out article which appears in today's New York Times dealing with this very serious crisis that our city, state and nation is facing.

[The opening statement of the Chairman appears on p. 116.]

Mr. RANGEL. I yield at this time to Ben Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

I commend you for holding this hearing at this very pertinent time on cocaine and all of our other drug problems in the metropolitan area and throughout the state. I, too, welcome our colleagues who have joined us who are not members of the Select Committee but have taken time out of their busy schedules to address this problem.

I also want to welcome our distinguished Senator from New York, Mr. D'Amato and Senator Chiles, the distinguished Senator from Florida, both of whom have been in the leadership in the Senate in battling this very important problem.

We are delighted, too, to have the governor with us today, Mario Cuomo, and our good mayor, Mayor Koch, our former colleague, to join us as witnesses to have the benefit of their views on how our nation can best combat narcotics trafficking and drug abuse at Federal, state and local levels.

The cocaine crisis has drawn the attention of all of us over the past few months. Of course, we are not limited to that problem. Cocaine isn't the only problem confronting us. We have a myriad of drugs that are affecting our entire nation.

We must never forget that the drug crisis confronting our nation and indeed the world is a multi-drug phenomenon, including heroin and marijuana and PCP and designer drugs and other deadly substances.

Last fall our Narcotics Select Committee held a hearing right here in this courtroom to gauge the scope of drug trafficking and abuse in the metropolitan region. We also examined the ever-growing tragedy of AIDS spreading throughout the homosexual and heterosexual population by intimate contact and also by intravenous drug use.

Today, only a few short months later, we have returned to this area because of another epidemic threatening our cities, our towns and villages, that of Crack, a purified, inexpensive, concentrated form of cocaine, whose popularity has been spreading like wildfire across the country. It is highly inexpensive, highly addictive and highly depressive.

Earlier this week, our Narcotics Select Committee held a joint hearing in Washington with the Select Committee on Children, Youth and Families on the effects of Crack on our youth. Local law enforcement and treatment professionals testified at that hearing on the current situation in their own regions and unanimously reported that crack is invading our towns and permeating our neighborhoods with the speed of an uncontrolled forest fire. Where a decade ago cocaine was afforded only by the jet set, today marijuana cigarettes laced with cocaine sell for about a dollar apiece on our city streets.

We are already aware that the increased interdiction is only part of the problem. We remain convinced a major part of the solution to our drug problem is an intensified effort on the part of all of the states, in conjunction with the Federal Government, to implement mandatory substantive drug education programs, programs in our elementary, in our junior and high school areas, and most drug enforcement officials tell us that unless we get to the young people before the age of 12 and 13, we have lost them.

Legislation that Chairman Rangel and I have introduced, H.R. 4155, along with our colleagues on this committee, the Drug Abuse Education Act, would authorize substantial additional funding to assist in this effort. Any effort to prevent controlled drug abuse must be comprehensive, must be a coordinated—coordination between Federal, state and local—endeavor.

Mr. Chairman, we look forward to hearing from our distinguished witnesses and to working with them in finding and implementing the necessary solutions to combat this deadly menace that has been undermining the health of our citizenry and jeopardizing the very foundations of our institutions. As you said earlier today, it is time we stop finger-pointing and try to find a better way to work together to combat this evil.

Thank you, Mr. Chairman.

Mr. RANGEL. Thank you.

The Chair asks unanimous consent to recognize for their testimony the Senators from New York and Florida. Hearing no objection, the Chair recognizes Senator D'Amato.

## TESTIMONY OF HON. ALFONSE D'AMATO, A U.S. SENATOR FROM THE STATE OF NEW YORK

Senator D'AMATO. Mr. Chairman, Congressman Gilman, first let me commend you not only for holding this hearing but for your persistence and your tenacious seeking out the resources, identifying the problems, and, yes, demanding action.

I am convinced were it not for Congressman Rangel and Congressman Gilman and their legislation that was passed that resulted in a cut-off of aid to Bolivia, that the undertaking that is going on there now would never have come about. The Bolivians would not have asked our government for help.

That demonstrates, I think, quite clearly what can be done. We in the Congress have a responsibility. The administration is not moving in a direction and we have got to provide that leadership and pass those legislative initiatives, as you, Mr. Chairman, have done.

Despite the efforts that you and others have made, our government and our society has not made the full commitment necessary to save our young people from the plague of drugs. We talk about a war on drugs, but the only war being waged is the one that the drug dealers are waging against our children. They are killing our children.

We are not fighting back in the united and committed way that we must. We are not giving the use of the military the kind of extent that it should be involved in. We don't give law enforcement authorities the manpower and the resources that they need.

In the great majority of our schools, we fail to provide effective drug programs. In New York City, if it were not for Police Commissioner Benjamin Ward and his programs, we would be doing next to nothing in the area of education. His school program is a model. Let me say it is one of the bright spots in the war against drugs. Little as we do for prevention, we do even less for our drug rehabilitation programs.

I say these things not to minimize the efforts that are being made or to point an accusatory finger, but to make the case that all of us can and must do better. The most important task we face is to educate young people about the danger of drug abuse and to make drug use completely unacceptable.

Young people must be shown that just one use of Crack can lead them into a life of addiction. We need a total commitment to save our children from the scourge—not finger-pointing, not defensive arguments that pretend we have turned the corner.

What are we telling our children when they see drugs being sold openly on their way to and from school? How effective can our prevention efforts be when students see a drug dealer making hundreds and even thousands of dollars a day selling drugs, when they see these vultures arrested in the morning and return to the streets in the afternoon, laughing at the police and their efforts?

When a drug dealer is arrested, the general rule must be that he is prosecuted, and if found guilty, is sentenced to jail, and that he serves time. Our failure to do this today is a tragedy, for it undermines people's trust in government and erodes the most basic fabric of our society, the rule of law.

Congress and the administration have also failed to meet their responsibilities. We need a comprehensive strategy to direct our law enforcement efforts to international, Federal, state and local levels, yet we have no such program. While I commend the President for our actions in Bolivia today to destroy cocaine laboratories, this must only be the beginning. We must use the military to interdict drugs coming into this country and we must provide our domestic law enforcement agencies all the support they need.

Mayor Koch and others have battled to get the use of the military, and while we have passed enabling legislation and appropriated $15 million, to my knowledge we haven't hired one of the 500 Coast Guard officials that were to be hired to be used on the high seas with the Navy.

I have a report here, and it is shocking and scandalous; we have used a total of about 15 Coast Guard personnel in this so-called battle. It is absolutely deplorable.

It may be that the Crack epidemic has given us a rare opportunity, a window of opportunity to join together finally in a united and effective action against this drug menace. The Federal Parole Commission is now working to develop and issue tougher guidelines specifically for Crack.

My dear friend and colleague in the Congress, Senator Chiles, who is second to none in battling this, has introduced legislation, and we are working together to get it passed and will be meeting with Attorney General Edwin Meese next week.

Let me conclude by saying I look forward to the testimony of today's hearings of our Governor and other officials because we can't afford anything less than an all-out effort by every segment of our society, every level of government, and by families and individuals. There is no greater challenge that we can undertake than a real war on drugs, because what is at stake is really the lives of our children.

Thank you, Mr. Chairman.

Mr. Rangel. Senator Chiles, do you care to make a brief opening statement?

Senator Chiles. Thank you, Mr. Chairman. I appreciate the opportunity.

Mr. Chairman, I have run into you and your committee in places outside the United States, and I know of the work that you and your committee has been doing on this for a number of years. It has been a problem for this country for a number of years.

In spite of that, I don't think we have ever seen the kind of problems we are now facing with Crack. I think it has entered a totally new dimension. It is a tidal wave that is striking our country.

New York and Florida are very similar I think. We are both ports of entry. We seem to be the place where these plagues sort of hit first.

But we also know, Governor, we are dealing with a national problem. Twenty-five states now have a Crack problem, and if the others don't have it today, they just haven't discovered it or it hasn't arrived. Anything that can be produced as cheaply and easily as this, has the potential for widespread availability. We know crack can be made in the kitchen or anywhere else. The price has dropped since January 1 of this year. The price of cocaine is one-half of what it was. There is more available. The purity of the powder form is higher than it has ever been and we know once it is free-based, it becomes 98 to 100 percent pure.

We have never seen a problem strike us this way. Someone has said it might run its course in 10 years, but the carnage that will be out there in terms of the number of addicts, the number of lost lives, and the broken lives and families. It is just incalculable and that is why we have to deal with it.

Mr. Chairman, I think we have to deal with it in a number of ways. One, I think we do have to toughen up the penalties. I think Crack has got to be made a schedule 1 controlled substance.

As you look, now, what did we say about schedule 1? It should be a drug that has a high potential for misuse, has no known medical use and has a lack of accepted safety for the use of a drug under medical supervision. Crack fits that description. There is no known medical use, it is only used to damage, to destroy, to addict, and certainly it should be made a schedule 1 controlled substance. I think we have got to reduce the amount tremendously. We are now talking about a kilogram of cocaine in order to get penalties up to

20 years. That is 1,000 grams. One gram of Crack makes about 20 rocks. Twenty rocks can addict over six people. If you say that it takes two to three times of use in order to become an addict, you could kill four or five Lenny Biases with one gram of Crack. I think we have to increase those penalties, and certainly around children.

Right now we make a heavy penalty if you sell to a child, but what we are finding with Crack is the children are using it as a drug enterprise themselves. All over New York they are used as lookouts, they are used to deliver the Crack. They certainly are in my state. Dealers come up from Miami with a semi-truckload of bicycles. They give kids in Tallahassee brand-new bikes to go out and give the number 99 anytime a policeman came into the neighborhoods.

The paraphernalia, it takes nothing to use it. A Coca-Cola can is made into a pipe. It is not against the law to have that can, but that is one of the most popular means of smoking Crack cocaine. You just add a couple of holes to the end and the top, put your crack on the top and it forms into that gas. In 2 to 10 seconds it enters your bloodstream and you have this high, which your addicts will tell you is 5 to 10 times higher than heroin. Most of the addicts are telling me once you have tried Crack, you don't care about heroin. You don't care about anything but staying on Crack as long as you can.

So, Mr. Chairman, I think again, if you have a Crack house within a thousand feet of a school, let's give them 40 years on a first offense and life in prison with a second offense. If you are using young people in this enterprise, let's raise it up to the penalties where if you do that more than once, you can have life.

Mr. Chairman, again I congratulate you on this hearing, and certainly the Governor and the Mayor. It is going to require a community involvement with everything, with every law we pass, giving the police officials, changing our sentencing guidelines, increasing the prison spaces—unless we get people in neighborhoods who say we are not going to have a street in which Crack can be sold—every community I know about in Florida, there is some place.

In my town there is a place called "The Bottom" in Lakeland, Florida. You can go into The Bottom and get drive-in service. Until the people in that neighborhood and the people in that community are ready to say "we are not going to allow this here, we are not going to have it, we are going to run these bums, these people out of here," only then will there be no place where they can hide.

There should not be a place in Florida where they can hide and New York where they can hide, and any other state. So it does take the community involvement and I congratulate you on holding these hearings today.

Mr. Rangel. Is there any member seeking recognition for the purpose of making an opening statement?

Frank Guarini.

Mr. Guarini. Thank you, Mr. Chairman.

I want to welcome New York's splendid governor, Governor Cuomo, and the outstanding mayor of this great city, Mayor Koch, and look forward to their remarks. I want to thank you for focusing attention on this problem, particularly the problem of Crack, to which we have lost two of our great athletes, Don Rogers and Len

Bias, who were in top physical form, showing what damage Crack can do to our entire youth. This has caused a shame on the nation, but the good part is that it has been a catalyst to cause a rally call for more public action.

I was very disappointed to hear a comment in the New York Times where the U.S. District Attorney and the Manhattan Attorney General, in their little dialogues and in their little forays that went on, had indicated in the Times that the fight against cocaine is being lost, and that neither they nor anyone in government sees a hope for victory. Well, this is sad and very pathetic for that kind of an attitude to have taken place.

I think that the idea of our hearings here is to show that there are ideas, that there is a hope that we can contain this problem, stop this scourge, and the essence of the hearings is to raise the national consciousness and exchange among ourselves what thoughts we have in being able to forge a national strategy.

So again, Mr. Chairman, I want to thank you for your leadership.

Mr. RANGEL. Congressman DioGuardi, a member of the committee.

Mr. DIOGUARDI. Thank you, Mr. Chairman.

I represent a district, approximately two thirds of Westchester County, the lower tier, which is just above New York City, and we have a crisis.

I am told by Bob Stutman, the regional special agent of the DEA, that my district ranks at the top or close to the top in this state on per capita use of drugs in schools. Crack is top on the list.

Now, this is a crisis. Crack has come into my county as it has in New York City. Crime rates, which were on the down turn particularly in the last four years—I guess Mayor Koch will comment on that in New York City—are now being escalated in my county. The turnaround has been very dramatic.

Some years ago, as president of a neighborhood association, I started a neighborhood crime watch in New Rochelle. I have to tell you, we need a new type of neighborhood crime watch for what is going on.

That is why I was delighted to have the opportunity to talk about, at the press conference, the network we are trying to build in Westchester County involving the the mayors, the supervisors, police commissioners, then going to the students, the PTA presidents, school board presidents, the superintendents of schools, because we need everybody involved in this.

Our most precious legacy to the future, obviously, are our kids. Our kids are being chewed up by this. The age of onset is getting lower and lower. I saw this first-hand as a trustee of the Phoenix House for seven years here in New York City before I came to Congress, and there is just no doubt that we need all the money we can get in the educational programs to dry up that market. We have got to continue to do what we have seen this week in Bolivia to also dry up the source.

Thank you, Mr. Chairman.

Mr. RANGEL. Thank you.

Congressman Biaggi.

Mr. BIAGGI. Thank you, Mr. Chairman. I want to commend you for holding this hearing, for your longstanding and unrivaled efforts to combat drug abuse.

As a 23-year member of the New York City Police Department, I have seen these horror stories for a considerable period of time. But now we are talking about a new phenomenon with Crack dealers. Crack dealers are a form of terrorism, Mr. Chairman, no less dangerous, and probably more so, than Qadhafi, except we are not 3,000 miles away; we are right here on our shores and our streets.

We have seen all the headlines and each day it seems the media finds a new way to tell the same horrifying story. Crack is killing our kids and sending violent crimes statistics sky high.

We have been told that more and more young girls are turning to prostitution and more and more young boys are turning to robbery. The reason is Crack. We are told that murder in the city has risen nearly 17 percent this year. The reason: Crack. We are told cocaine-related deaths have risen more than 300 percent in the last five years. Once again, the reason: Crack.

This is no ordinary problem. Newsweek magazine recently went so far as to say that Crack may yet surpass heroin in its capacity for social havoc. That is a terrifying thought. It is also a challenge to all of society, particularly those of us who are lawmakers, to prevent that prophesy from being fulfilled.

One of my biggest concerns is that Crack is treated so lightly, and Senator Chiles made reference to it. The present Federal law is a joke. A person must possess the equivalent of 15,000 doses of Crack before they get the tough Federal drug trafficking penalty they deserve. That same person need only possess one-tenth of the amount of heroin or half the amount of PCP to get the same penalty. Crack should be in the same deadly category as these other drugs, and I have offered a bill to make that happen.

This bill is the companion bill to the bill that Senators D'Amato and Chiles introduced in the Senate. Mr. Chairman, as legislators, we can take our best lead in this issue from our citizens. Just recently, I met with a group of remarkable teen-agers from New York City. They call themselves "Kids Against Crack." Some of these kids are former Crack users, but mostly they are kids, tired of seeing their friends being destroyed by Crack. These courageous kids are far more worried about the dreaded drug menace called Crack than they are about the threat of violence and drug pushers they are fighting.

These young people have told me Crack is a problem engulfing their entire neighborhood. They live with this problem. When they say Crack is the dealer's dream and user's nightmare, we should listen.

I have taken their message to the New York City Police Department and the problem will be corrected. I have also heard similar complaints from other Bronx residents, including those in Van Ness and Decatur Avenue communities, in working with the police department to clean up those high traffic areas as well.

Mr. Chairman, I know the testimony today will be forthcoming and will be helpful. Clearly what this total effort represents is a commitment, a massive commitment, and I am confident under your leadership this effort will not diminish one scintilla but even before these witnesses begin one fact is unmistakable. The nightmare called Crack is just beginning. Let's wake up before it is too late.

Mr. RANGEL. The Chair would like to advise the panel that the Governor has a scheduling problem as well as the Mayor, and if there is any member seeking further recognition, I hope that they would take that into consideration.

Mr. Green.

Mr. GREEN. I shall be brief, Mr. Chairman, but I do want to raise one issue and I hope the witnesses will address it. That is that society has a two-tier attitude towards drugs, including cocaine. On the one hand, society criticizes its abuse by the poor and minorities, but it snickers at its use by the middle class and the rich and famous. Much attention is paid to the places such as the streets of the Lower East Side.

Certainly Operation Pressure Point there proved more police pressure can decrease drug sales. At the same time, we know white collar workers make buys outside their office buildings in Midtown and downtown Manhattan, generally with impunity.

Drug use in general, and cocaine use in particular, are glamorized, treated as the sophisticated thing to do, trivialized as a humorous activity on television and in the movies.

We need more drug education in the schools, but we also know that our young people absorb much of their information and their attitudes towards society from places outside the school. It is going to be very difficult for drug education to work if the movies and the tapes they listen to glamorize drug use.

The same message is sent to the young people by middle-income white collar workers who use drugs, and by the rich and famous who use drugs. The message gets to young people who very much want to be sophisticated. The message chooses to ignore the sick and dying victims of drug abuse.

It is time society stopped snickering out of one side of its mouth while smoking out of the other side. If cocaine and drugs are bad for the poor black kid in Harlem, for the poor Hispanic kid on the Lower East Side, they are also bad for a college-educated Wall Streeter and the rich and famous at the disco.

The Federal and local governments and police must do what they can to try to stop the flow of drugs, and the state to see that our educational system deals with it. But we cannot stop it without an end to the demand, and that requires a change in attitudes by the image makers, those in Hollywood, those in Manhattan, those in our sports fields, and those in business.

I hope that the witnesses today will address how we can cause society to make that change given the fact we do have a First Amendment and you can't legislate it.

Thank you.

Mr. RANGEL. Mr. Towns, a member of the committee.

Mr. TOWNS. I want to express my appreciation to you, Chairman Rangel, and to you, Representative Gilman, for the timeliness of the hearings as well as the appropriateness of holding them here in New York City.

New York City certainly has perhaps more than its fair share of problems related to the drug industry, but when a United States

District Attorney and a United States Senator can actually purchase vials of Crack on the street corner as United States Attorney Rudolph Juliano did and New York Senator Alphonse D'Amato, undetected, without difficulty, we are forced to acknowledge the enormity of the Crack industry goes far, far beyond any acceptable stretch of the imagination.

I welcome the hearings for the opportunity to examine this escalating problem and search for a viable solution to this problem.

Again, Mr. Chairman, I thank you for the leadership you have provided and also thank my colleagues for joining us in this very important issue.

Mr. **Rangel**. Congressman Weiss.

Mr. **Weiss**. Thank you very much. I want to be very brief because I want to hear from our witnesses.

Let me thank you for convening these hearings and for allowing me to participate with you today although I m not a member of the committee.

The people in your neighborhoods and mine are fully aware of the Crack problem. They are the ones who have been screaming for help and they really did not need the example, as noble as the intention may have been of our distinguished Senator and U.S. Attorney to go out and demonstrate that it was available on any street corner. What the people want to know is what we are going to do about it.

While interdiction is very, very important—it would be helpful to stop the 150 tons of cocaine which will be imported into this country this year alone—I think what is also needed is an effort to try to cut down on the demand, and that requires education. That is why I am pleased to be a cosponsor of the Drug Abuse Education Act of 1986.

This important bill would authorize $100 million each year, for the next five years, to establish drug education programs in primary and secondary schools around the country. The Crack epidemic painfully illustrates how badly we need to teach our children from a very early age to stay away from drugs, and I hope we will see this important legislation moving through Congress before the end of the session.

If we are going to be serious about stopping Crack and other drugs, we must start putting our money where our mouths are, and boost funding for drug education, drug rehabilitation programs, and other programs as needed.

We spend barely a penny on education for every dollar that is spent on law enforcement purposes, and that simply is not enough. That is the direction I think that we have to move in, in addition to law enforcement and interdiction efforts.

Again, I thank you very much.

[The prepared statement of Congressman Weiss appears on p. 121.]

Mr. **Rangel**. Let me thank you for your patience but more importantly your leadership you have demonstrated over the years in not only recognizing the problems but forming coalitions with Democrats and Republicans throughout the country.

The Chair is anxious to hear from you and we are glad you brought with you the Deputy Chancellor of the New York City

Schools, Julio Martinez, who has made an outstanding record for himself over the years as a combatant of these problems. And we have listed here some other people, which I assume are not at the table at this time.

Governor, your entire statement will be entered into the record without objection from the committee, and because of the time element, you can proceed as most convenient for you. Thank you for coming.

## TESTIMONY MARIO CUOMO, GOVERNOR OF NEW YORK, ACCOMPANIED BY DR. LARRY KURLANDER, DIRECTOR, CRIMINAL JUSTICE DIVISION, AND JULIO MARTINEZ, DIRECTOR, DIVISION OF SUBSTANCE ABUSE SERVICES

Governor CUOMO. Thank you, Congressman Rangel, Senator D'Amato, distinguished members of the committee, I am grateful to you for the idea of this committee. I am grateful for you coming to New York with it. It is hardly necessary to suggest that we have demonstrated some virtue of patience in listening to you. This has been a wonderfully informative morning already for us.

I think the thing that strikes me as a citizen of this State is the obvious unanimity of opinion. It is not usual that you can have a problem of these dimensions that calls forth from the Republicans and the Democrats a single point of view. You have said it all already. I think it is our role now as Governor, and Mayor Koch as mayor, to lend our voices to the chorus, to make the obvious point that there is an extraordinary agreement here. And that suggests, perhaps, an irony.

With all of this concurrence, with all of this chorus of voices saying the same thing, why has there been such little action at the Federal level. That is not true of the people in this room. Senator D'Amato, Senator Chiles, Congressman Rangel—all the rest of you—we are grateful for the concern and sensitivity that you have expressed. But even more, we are grateful for the specific individual measures that have already been introduced that make it possible—and past—indeed—measures that make it possible to convert your good disposition to tangible action and progress. You have shown leadership when leadership is very badly needed. I support the bills addressing drug education, Congressman Rangel, and narcotics production control, Federal assistance for local enforcement.

I support as well Senator Moynihan's bill providing assistance for prevention and controls programs, and Congressman Rodino's call, especially, for a White House conference to develop a comprehensive national strategy on drugs. I will personally do everything that I can to promote these measures. I will urge other governors—I have already—and local officials around the country, to join us in that effort.

It is fashionable, as we have seen today, and as we will continue to see throughout this hearing, it is fashionable now to talk of the problem of substance abuse and narcotics addiction as an epidemic. Tragic and ugly episodes like the deaths of two young athletes dramatize for us a menace that has existed, that has spread, that has grown more devastating and pervasive for a couple of decades.

There have been such episodes before, and the headlines to describe them, but the headlines were replaced by other stories, the episodes were forgotten, and the problem receded to the nether levels of the public consciousness or left it altogether. The result is we have failed to keep narcotics control at the top of the national agenda, and as a result this great growing wage of sickness, and anguish, of death and terror continued to move across the country swallowing up more and more of our life.

As we have seen already today, it is difficult to exaggerate the dimensions of this problem for you. At the local level it is impossible to exaggerate it. The Mayor meets the victims every day. We have to, at the local level, lock them up, treat them, or bury them. We don't forget, because we can't forget. We are not allowed to.

Let me give you just a few of the manifestations of this terrible crisis, and one of its latest forms, the use of cocaine and crack, just a few statistics. Since 1980, the flow of cocaine into this country, I am told, has risen from about 25 tons to 125 tons a year.

There are indications that about 5 million Americans use it at least once a month. In New York State 43,000 persons are now under treatment for drug abuse problems. Five years ago, 6 percent of State treatment admissions were for cocaine. Today five times as many claim cocaine or crack as the primary drug of addiction.

Before 1985, the number of reported deaths due to cocaine here in the city were negligible. In 1983 there were seven deaths; last year 137 deaths.

In New York City, in 1983, 29 percent of drug arrests involved cocaine; in 1985, 33 percent. In April of this year, cocaine accounted for more than half of all drug arrests.

Statistics for crack are new, but crack has become of such concern that the New York City Police Department has established an undercover unit of 101 officers solely to arrest dealers and break up crack houses.

What is the lure of it? You have all spoken to the young people especially who involve themselves. I did yesterday and the day before, and what is the lure of crack? It appears to amount to an initial blast of false self-confidence, power, one of them called it. Exhilaration none of them called it, but they used other words that meant exhilaration, maybe for seven minutes, maybe a little more. That is it. That is the kick. But then depression, and later with continuing use, deeper depression, and paranoia, and sometimes violence or suicide.

And on the physical side, nausea, tremors, convulsions, the prospect of lung damage, heart attack, stroke, respiratory problems, or even quick death, like Len Bias and Don Rogers, only probably without a headline.

This is what kids can get for five or ten dollars on the street all across the country, and let me emphasize that point. And I am very pleased Senator Chiles made it for us. This is a problem that crosses every boundary—social, ethnic, geographical. The cocaine alarm is sounding throughout the nation. There is no escape anywhere.

In previous testimony you heard from Governor Graham, my good friend and an excellent governor from Florida—and another one, Governor Mark White of Texas—describing graphically the same overwhelming surge of drugs and the same inevitable consequences, dramatic increases in addiction, in arrests, in jails for drug-related crimes. And so we are dealing, yes, with an epidemic of unprecedented proportions.

Perhaps the most striking thing about the problem to me is its complexity. It is not a national problem alone. We know that. Of course, we at the State and local level have an obligation to do everything we can to deal with it. It is not a law enforcement problem alone. That has been said a number of times this morning, and of course that is true. It is not a foreign policy problem alone, of course not, or an offshore interdiction problem, nor is it an education problem alone, nor is it a minority problem—you are right, Congressman Green. Nor is it a city problem or a suburban problem or a rural problem. It is all of these.

There is no silver bullet to kill this Dracula we call drug addiction, no single pill, no single program, not even a single prayer. It must be attacked in many ways, from all sides simultaneously.

To do that, it seems apparent to me, we need a word I have heard a number of times this morning, a course coordination, but we need leadership and we need it from the top, and because of the dimensions of the problem it seems to me unarguable that the public leadership should come from the very top, from the President of the United States.

I applaud President Reagan's willingness to respond to Bolivia's request, as most of you have, but this problem of drug addiction and now crack is a clear and present danger to the nation. We all agree on that, and it deserves, therefore, I think we should agree, the response that the President manifested in Bolivia, but much more, by way of Federal involvement.

I repeat the call that I have made with many others, and that is that the President should bring to the war on drugs the same continued level of commitment and effort he has brought to his campaigns for SDI, aid to the contras, and tax reform.

Why not? Why not the same energy? Why not the same strength? Why not the same persistance?

The logic of his doing so, it seems to me, is self-evident and compelling. When in our history has there been a President better equipped to lead this kind of battle? Let's face it, whether we are Democrats or Republicans, his ability to create emotional responses, his efficacy with Congress, are all invaluable weapons in this war of survival, and it is that. You have all said it, and I agree, and the Mayor will agree with all of us. It is a war of survival, a war we can't win without the leadership and prestige of this President.

Before I go any further, let me do something perhaps I should have done earlier. Let me establish for you as quickly as I can our credentials here this morning, our credentials for supporting your bills and for urging more help and, indeed, even for calling on the President to serve as the leader here.

Our corrections system this year costs New York over $1 billion. I want to show you now, as quickly as I can, what we are doing at the State level, and if you can suggest something more we should do I would be pleased to hear it. Our corrections system this year costs New York over $1 billion. Our whole criminal justice system costs—listen to this—$1.7 billion. One third of that is drug related. Sixty percent of all the people in New York prisons have histories of drug or alcohol abuse. Today we have close to 5,000 drug pushers in prison, about 2,300 more than in January of 1983. By the time I am through as governor in this first term, we will have built 10,000 more cells—think of it, 10,000 more cells.

That is not a statistic I am happy with nor proud of. It is the measure of what we had to do. I wish I had the five or six hundred million dollars for other things. We couldn't afford it because we had such a glut on our prisons, 60 percent of them drug related. Some in Washington and other places call us a high-tax State. Well, if so, this is one of the reasons.

There is more. We have added 200 specially trained State police investigators to our new narcotics unit, 100 of them in New York City. That cost us $4.5 million. We made an additional $2 million available to Sterling Johnson. He is using it well, as we saw last night.

We spend on criminal justice in New York—60 percent of it drug related—one quarter of what the Federal budget allocates to it for the entire United States. In New York we spend one quarter of what the whole United States spends through the Federal budget, and our efforts in the drug problem have gone the extra mile. We lead the nation in drug research and in treatment. We have on our books some of the toughest laws in the country for punishing drug offenses. You remember the Rockefeller laws, considerably tougher than Federal statutes.

Some people said our laws were too tough, with good reason for a period of time, but now we are writing tough laws again. A corridor of safety for our public schools; if you sell crack within a thousand feet, Senator Chiles, of a public school in this city and State now, after this week when we sign the bill, we come down on you very, very hard with mandatory sentences and longer sentences than ever before. During 1984 and 1985, even before the epidemic really spread, the major antidrug program in New York City schools reported arrests of nearly 8,500 people for selling drugs to school kids.

Let me abandon the rest of the written testimony to get to some other things that we have done in the State, and some things we haven't done as well as we should. I said earlier that it seems to me the key to this problem is its complexity and the compelling necessity for an integrity of approach to it. We have to come at it from every possible level.

Law enforcement, we need tougher laws, yes indeed, we are doing that. Sanator D'Amato pointed out earlier we need more judges. I thank you for your call on the Republicans. I make the same call on the Democrats of this State, Senator D'Amato. We need at least 13 more judges. We have a chance to do it. I have a new idea. Instead of getting involved in the politics of appointing judges in News York City and Nassau, let's put Court of Claims judges up. I will give them 13 Court of Claims judges. I will name them. The Republicans won't have to worry about political quotas, because they have to confirm them, and you know that through the confirmation process they can control, if they feel that is necessary, so there is an offer.

We will give you 13 judges, Court of Claims judges. All you have to do is say you are willing to do it. We need more judges, tougher laws, institutions, we are taking care of. We need law enforcement. We need education. All of you are right. Ben Gilman, a wise man from New York, has pointed it out. Charley Rangel has pointed it out with bills. We have a lot of money and we have mandatory requirements for education, Congressman Rangel. You do have to teach drugs in our schools. We did pass a law, but a law that is not enforced is worthless. You have pointed out, your congressional colleagues have pointed out, that we have not done it well in New York up until now, and you are right. And we haven't, and because we haven't done it well before I was gone, and since I have been gone it is still not corrected.

We appointed Julio Martinez. We sent him to the Board of Education, the Board of Regents at the State level and the chancellor, and we said you had better get on the stick here, because we are going to be asking the Federal Government for more money. We want more help. We had better prove that a mandatory education requirement gets enforced, that real children sitting in real chairs in real schools are listening to real lessons about drug education.

We have three projects now at work that will give me a chance to measure, give you a chance to measure. We are trying hard not only to adopt laws but see that they get enforced. When it comes to education, I will say this: I have a pervasive dissatisfaction with accountability and education in this State. I have made it clear for four years. I have said that I want to look more closely at the board of regents. We gave 42 percent more money to elementary education than ever before because we are big spenders. I want to know why the dropout rate hasn't come down. I want to know why education hasn't been better in this State, I have been saying, and I want to know about drug education.

So we need to do the drug education. We need to do the law enforcement. But let's face it, if we did nothing else, if we had an army of police in the streets, if we had the best educators in the United States—Ron Darling helps us to teach in this State; Rory Sparrow helps us to teach in this State. Celebrities from all over the country, especially from the New York area, come and teach our kids for nothing on drug abuse, and they are doing a wonderful job. Julio Martinez is working on that.

If you gave us every athlete and put him in every school, unless you stop the supply of drugs, unless you stopped it from hitting our shore, it wouldn't make a whole lot of difference. Let's be honest.

Of course we must do everything we can. Of course we must lock up the white-collar people. That has been a pet peeve of mine. Send a kid to Rykers Island for stealing a pair of sneakers, ruin his life forever and meanwhile in the suburbs and in the State of New York they are committing felonies with crack, or tax evasion. Yes, you are right, Congressman Green, and we have instructed the Director of Criminal Justice of the State of New York and the State Police—because that is what we control—to be very even in the application of the laws, and I am sure they will be.

You have to interdict. You have to get to the source. We all know that. You have to get to the foreign policy aspect of this, as you did, Congressman Rangel and Congressman Gilman. It produced results, as Senator D'Amato pointed out.

I hear arguments about abortion and birth control. I hear people in Washington saying let's not give them money. They believe in artificial contraceptives. Why don't I hear that kind of talk about drugs and the growth of poppies and coca plants, like in Bolivia? How can you talk to me about we will challenge their foreign aid because we don't like their policy on artificial birth control, and not let me hear at the same decibel level your argument about we will challenge aid to you, whatever nation it is.

Carter tried it, without a lot of success, and we seem to have abandoned the effort since then. Why don't we hear more of that talk? Why don't we hear the President talking about it? Why don't we get more help from the Federal Government?

A $48 million reduction in education? What are you telling me when you talk to me every day about law and order, when you put $1.65 trillion more into your defense budget, when you tell me we have to be careful, we need a screen, an impenetrable screen to stop the missiles from Russia, and every day they are firing missiles into the middle of the Bronx and Buffalo and Rochester that are destroying our population, and you have nothing by way of defense against that.

I say we need a strong Federal commitment. You have made it. The Congress has made it. Nancy Reagan has made it. Let me as the Governor of the State, as a person who has seen her working in this State, who has seen her on television, who knows her sensitivity, who knows her persistence, say thank God for Mrs. Reagan. She is doing a wonderful job.

It is incalculable what it is worth, her voice, her image. She is the first lady. That is very important.

The President has done the right thing in Bolivia. SDI is motivated by the President's belief, and a lot of other people's, that there is nothing more important than defending ourselves against the enemy. Certainly I agree, but isn't that the problem of drug addictions? Nicaragua is motivated by the problem of preserving human rights and, once again, defense.

Isn't this a matter of human rights? Tax reform, who knows it better than we do in this State? Tax reform, the President of the United States, this is my number one item, and he is being successful, God bless him. Congratulations to Charlie Rangel, Rostenkowski, Packwood, all of them.

It is a wonderful thing that is happening, if you give us the sales tax deduction. It is a wonderful thing that is happening, but what is the motivation for the tax reform argument? Economic fairness, economic growth. Is it more important than the drug addiction problem, when you measure fairness? Of course not.

I say that there has never been a person in the history of the United States better equipped to lead this charge. I say that there has never been a stronger case calling for that leadership than the present epidemic we have. I say that the President should seize your initiative. All the Democrats and the Republicans, the Gilmans and the Rangels who are writing all these good bills, and you have some of them, you understand this issue so well you made that apparent today.

It doesn't need to be political. You have the bills. Let them grab these bills. Take them away. Make it the tax reform issue. Make it SDI. Lead the United States to an all-out simultaneous battle on this problem. We need to interdict. We need to stop it at the borders. We need to apprehend. We need to prosecute. We need to punish and we need to educate, and we have to do it at every level, and we need his leadership.

Thank you very much, Congressman.

Mr. RANGEL. Governor, either you are one of the best witnesses this Select Committee has ever had, or somebody slipped to you the questions that I had prepared for you this morning. In any event, we would like to know what is your time frame now, and how much time can you spend with us?

Governor CUOMO. I have all the time you want—until we get to the really tough questions.

[The prepared statement of Governor Cuomo appears on p. 123.]

Mr. RANGEL. I neglected to welcome Mr. Kurlander, who is in charge of our State's criminal justice system.

You have really inspired us instead of just giving us testimony. We are going to really rely on you to use your influence and good will with your partners and governorships throughout this country. I am convinced that at this present time the White House is trying to find some response to this very, very serious problem, and I agree with you that those of us who are inclined to be partisan as I am, must restrain ourselves in this particular effort to make certain that the President will be supported for whatever policies he comes up with, and hopefully we will have a strategy meeting soon.

I guess the only area which I probably know the answer to the question that I have a big problem with is the public's perception that we all are part of the problem. That no matter who is doing the undercover buys or how many jail cells you build or how many people are waiting for treatment or how many judges really just can't give any sentences or how many prosecutors have to be selective because they just don't have the time, how many people have to ignore crimes being committed in their presence, that when it gets down to the people in the street that we have sworn to represent, it appears as though nothing is being done, and that hurts me.

It hurts me because they think that the company is corrupt because he is not enforcing the law. It hurts me because they think the politicians could do something if we really wanted to do something, and yet it doesn't seem as though there is anything that we can do alone in the city and in the State that is going to shatter the perception that drug dealers are actually going to jail.

All I am asking, since you have really one of your most refreshing assets, is that you can pierce through the rhetoric and you can really deal with problems, in the language that the layman can understand in an honest down-to-earth way, and I am asking whether you could give us help as partners in government, as to how in the heck do you explain to a mother that we really are doing our jobs. When we give them the statistics, we say how many people have been arrested, we talk about the courts, and yet they don't see any diminishing of the product on the street or the traffickers that are selling it.

Governor CUOMO. It is not just the parents. Counselperson Julia Harrison, a good friend of mine from Queens, who was up in Albany and now has gone back, has written me three times the most intelligent, anguished letters: "Dear Mario: What do we tell people? I know about the criminal justice budget. I am telling you on my block in Queens."

You know, it is so apparent what Senator D'Amato was trying to make clear to us. So it is not just the parents, it is all of us.

This is not an explanation for it, or a solution to it, but I think there is a key point there that is subtle and difficult to deal with, and therefore we tend to overlook it. I know I am tempted to.

In talking to the young people the other day when I signed the crack bill and we had two or three hundred people in programs, young people, who know this issue better than anybody. Boy, you wade into the crowd of them and you just ask them what is going on, you get an instant education.

What I said to them was this: Look, all the laws in the world, the President leading us, interdicting the stuff, bombing coca fields, whatever you are going to do, these are problems, teen-age pregnancies, alcoholism, drug addiction. These are problems where we make the problem for ourself in the end by making a judgment that we want to smoke that pipe or get pregnant or drink that drink and become an alcoholic.

To a certain extent they are consentual problems, and the reason that they are proliferating is because you can't with all the police in the world, with all the armies in the world, with all the leadership from the presidency, you can't control the mind and the soul of the people. They will do it.

And therefore if I had to pick, and in this area we don't ever want to lift one into the number one item on the agenda, for fear that the nuancing goes off. But if I had to, if you forced me to one, I would say education. If you said forget about it, Cuomo, you have just one thing you can do, you have to give up the other four and pick one, I would say education. Give me the chance to reach their minds and their hearts, to teach them that this is stupid.

The language I used with them the other day in a playground in a Manhattan school was: "Look, if you are dumb enough to choose to do it to yourself, there is not a whole lot we can do. We can rid you of some of the temptation and you will create a new one. We will get rid of the coca and you will go to the drugstore and get two drugs and put them together and say, 'See, it works.' "

I mean, if you have that mentality that says, "I am willing because there is so little else in my life, I am willing to try this for whatever kick it gives me."

So I think you have got to get to their minds and their hearts.

Now another thing. This is not a popular thing to say, but it gets more intelligent the older I get. If they don't have jobs, if you have a 70 percent unemployment rate or a 50 percent unemployment rate, if you empty a child out into a neighborhood where they are surrounded at the age of five with pimps and prostitutes and social disorientation, and no chance to get ahead, if they know that, if they breath it in from the environment, if there is the whole culture says to them in that block, in that neighborhood, "Hey, look, you don't have a shot unless you steal or do this," what do you expect? So that all liberal agenda—and everybody is afraid of the word now—you have got to expand the opportunity to give everybody a chance to make it through hard work. Give them a job. That is perhaps the best thing you can do. And we must not forget that. We have opportunity zones now in this State. Work is better than welfare, is one of our programs.

When you educate them, you are educating their minds. You can't give them the Ten Commandments and show them the Ten Commandments on a stone and say this is virtue and this is vice. You have got to give them something more. You have to educate them in a way that they can make it in this hard world, with skills, job training, opportunity to get ahead. We can't take our eye off the ball. That is where the game is in the long run.

Just imagine, here we have a 7 percent unemployment rate and everybody is declaring victory. Eight million people out of work, 33 million more poor people, living in desperate conditions. More homeless than ever before. Are you surprised that there is social disorientation? That sounds like Roosevelt. That is New Deal. Forget about it. We don't want to hear that. All right, if you don't want to hear it, we will live with the problem forever.

Mr. RANGEL. Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

Governor, I want to commend you for your in-depth analysis of the problem and your understanding of all of the complexities of the problem, and your two assistants who are with you today, Mr. Martinez and Mr. Kurlander, for their efforts. I am aware of what Mr. Martinez has been doing in the past, trying to bring this home to the communities, and has been so very helpful to a number of the communities.

Governor, you talked about the reformation of the educational program. We welcome your candid and frank response to our requests to beef up the state education program. I am a little perplexed, though. I note that in your testimony you talk about a $60 million fund for drug education. When Commissioner Ambach came to work he indicated to us that they were spending about $140,000 for drug education, presenting the programs to the teachers on a regional basis for training, and then when we criticized him he went back to the legislature and was able to obtain another $40,000, making it a total of $170,000. Could you tell us, is there some additional program that we are not aware of that brings it up to the $80 million figure?

Mr. MARTINEZ. Congressman Gilman, with all due respect to Gordon Ambach, if he has $160 million I sure haven't seen it. I think Mr. Ambach is here and we will be here to discuss the details later.

Mr. GILMAN. No, I am talking about the Governor's testimony. On page 9 he says, "Included in our $100 million expenditures is $60.3 million this year for drug prevention and education program."

Mr. MARTINEZ. You are talking about the money in our budget?

Mr. GILMAN. In the budget, in the State budget.

Mr. MARTINEZ. Yes, in the State budget, New York State Division of Substance Abuse Services.

Mr. GILMAN. No——

Governor CUOMO. There is $16.3 million that Mr. Ambach is referring to that is used for services that are administered by Julio Martinez, and that is ongoing. My problem is not with the $16.3 million. My problem is with the requirement of the education law that there be mandated instruction all through the system, elementary schools, et cetera, and that I am persuaded has not occurred, and that Mrs. Cuomo, who heads up the Council on Children and Families, is very perturbed about it, and everybody for some time. In order to address that, we have put together three programs—one in Cuyoga, one in Rockland and—I forget the other one; it is upstate, not in New York City—three programs to measure this, to see exactly how that law is being implemented.

I tell you, Congressman Gilman, as you pointed out earlier, that it is not being implemented as it should, and you are right. And because of that, we put these task forces together. They will be reporting to us soon.

We are at a stage with our education in this State where I think you can expect to see a lot of new emphasis, because there is a changeover.

Mr. Ambach has announced his retirement, and we will be looking for a new head of the Regents. That gives us an opportunity to refresh the agenda.

This will be a very, very big part of the new agenda for the Board of Regents, I assure you of that, if I am around to see to it, but I will push as hard as we can.

We are now looking for a new chancellor, and this will be one of the important items for the new chancellor.

I am meeting with the Board of Regents, Marty Borel, and this will be an important item on my agenda with him. I say for the third time we are not satisfied with what has happened.

For those of you who don't know, we don't control education in this State. The governor doesn't control it. The governor doesn't appoint the chancellor. The governor doesn't elect the regents. All the governor can do is chastise and suggest.

I prefer to be able to control. I can't. But we are not going to use that as an excuse. We are going to keep coming at them using whatever persuasive capacity we have, but I can't control them.

If I could control them, I think, frankly, it would have been better.

Mr. GILMAN. Governor, we want to commend you again for addressing this problem, for being candid in recognizing the shortcomings and trying to do something to expand our State educational program. We have been appalled as we go around the country urging other States to undertake more extensive educational programs, to have them point the finger back at our own State, and we would like to be proud of New York State being in a leadership role and we are pleased you are attacking the problem. I recall reading that the Board of Regents had a mandate back in the early seventies to present a mandated drug education program, but the State education department apparently has been lax in implementing that program.

Governor CUOMO. Being lax, that is a conclusory word, and I think programs—Mr. Ambach will be here himself to discuss that with you, and I don't think it is so much a finding of fault as it is being disappointed at the lack of results in this particular area. There are a lot of explanations for it. We do have a dropout rate in this State, in inner-city areas especially, that is staggering, 60-70 percent. We do have a lot of problems. We do have a lot of children who hadn't been taught computers, so there was a very full agenda for the education people to deal with. I don't want to give the unfair impression that all they had to do was snap their fingers and this could get done. And there was some kind of cynical disregard. I am just not satisfied with the results, but I can understand that it was a difficult thing to achieve.

Mr. GILMAN. A good portion of the dropout rate, of course, is narcotic-related.

Governor, about 10 years ago in the seventies, when we were confronted with a severe narcotics problem in the early seventies, our state legislature adopted a narcotics community program that provided some seed money to get the communities involved. I would hope that you might explore that. At that time it was a very successful program, when we were conrfronted with a crisis in the early seventies. I think we need something of that nature once again. As I pointed out to Mr. Martinez and yourself, I hope you might explore that.

Governor CUOMO. Congressman Gilman, we agree with you once again. You will see in my testimony that I make a reference to the fact that we are very, very strong on volunteer and private sector and community activity. We have worked with a couple of hundred community service action groups who are reaching all through the State. We think that is a good way to go. I am the proud founder of the Neighborhood Preservation Party in this State, a party made up in 1977 in the midst of getting devastated by Ed Koch in the mayoral race, to preserve myself a few votes. But the notion was heavy use of community, heavy use of neighborhood, helping us to help ourselves, and it is a theme we have tried to carry through in government. It fits here very well.

Mr. GILMAN. I think it will be very helpful to us. Thank you.

Governor CUOMO. Thank you.

Mr. RANGEL. Before recognizing the distinguished senator, the chair would like to recognize the Members of the Select Narcotics Committee Frank Guarini.

Mr. GUARINI. Thank you very much, Governor, for your testimony. We all agree that we have to fight it on all fronts—interdiction, law enforcement, abolishing the source, the demand side. We have come to believe it is number one also, and that is the result of our traveling throughout the country and getting down into the root of the problem.

As you have talked about community problems, etcetera, there seem also to be other areas that indirectly come into the problem, the frustration of our youths, getting jobs. Fifty percent of our minority youth when they graduate high school can't find jobs. There is a restlessness there. Their energy is wasted. The opportunities of recreation might be too little. The families that are broken also lend to this, so there is a deep-seated social failure that brings this drug problem—sort of as an escape in many cases for many people.

I assume that is what we are really talking about. It is not just saying it is bad for your system in educating people what drugs are all about, but also getting down to the roots of the social problem that gives us the difficulty we have in the first place.

I would like to just ask you what your thoughts are in the coordination that we have on the national level. We have a trade problem. You referred to the United States Trade Representative. We have a health problem. The policy, you referred to the Health and Welfare Secretary. But we have a drug problem. There are many-faceted agencies. Mrs. Reagan as well as the DEA, U.S. Customs, the FBI and the U.S. Coast Guard—there is a whole myriad of agencies that deal with this. Do you feel that we should have a pinpointing of the responsiblities, perhaps having a single person that would be directly responsible to the President so we can better coordinate the fragmentation that is taking place?

Governor CUOMO. I think, Congressman Guarini, what has happened is over the last decade, maybe over the last six or seven years more precisely, there has been a kind of incipient attempt to reconfigure the relationship between State and Federal Government. We all recall the New Federalism. Basically, it was a retrenching by the Federal Government. We had hoped some of the other governors and State officials in the beginning when they said New Federalism there will be a swap—you take education, we take welfare. It didn't work out that way. The Federal Government by New Federalism meant we will shift more and more to the local level. That is their principle of "subsidyarity"—you do the work, we will concentrate on missiles, that is fine.

Law and order is one of the areas from which they withdrew. The irony, politically, is that while they were withdrawing funds for LEAA—do you recall the talk about helping us with prisons? Don't you remember John Mitchell? Don't you remember another program? Yeah, they certainly need prisons. Nobody needed them more than us.

I didn't see any money. We had to use the Urban Development Corporation, which Rockefeller invented to build housing. I had to use that to build prisons, because all the while they were talking about law and order, all the while they were acting macho, and saying crime is our number one problem. Boy, that is the way you run, right? The death penalty, that is terrific. We will show you we are tough. Great.

Where is the money? Where is the help? Where are the prisons?

Look, all of this crime, Congressman Guarini, is international or national. As a lawyer, I could make a case for jurisdiction for the Feds, in all of our drug case. Go through the prisons. My 60 percent, if I were back in law school giving an essay exam to my students I would say, "Can you make a case for Federal jurisdiction?" Are you kidding? Of course you could.

Well, then why isn't it a Federal cop who locked them up? Why isn't it a Federal prosecutor who prosecuted them? Where is it my judges? I have to make a deal with Al D'Amato in public to get 13 judges. Why aren't they Federal judges?

Senator D'AMATO. We didn't make any——

Governor CUOMO. Al, it is better than dressing up crazy and going out in the middle of the night. So you have on the one hand this rhetoric, and on the other hand you have a kind of moving back from the jurisdiction. The net result is you have language in

Washington, but no mechanisms. You have no coordinative devices because they have withdrawn from the area. It is not their thing, law enforcement.

Now, do you need it? Of course you need it. Of course you need it. Let me make clear, God forbid it should ever occur to you to send us national troops to help us. We don't want that in the State of New York and we don't want it in Oneida County. But you could help us with our police. We don't need all your Federal prosecutors. We have the best prosecutors in the United States. Now with our new RICO Law we have expanded their capacity to deal with crimes.

Just give us a little support for our prosecutors, and coordinate this problem of drug addiction, because it is not our problem. It is like undocumented aliens and welfare. You know, call us big spenders here, and then look at our budget and see where Tom Kean spends money in New Jersey and where I spend money in New York and where Ed Koch spends his time. How much of it has to do with welfare?

We didn't make the welfare problem. Ed Koch and I go to visit the homeless in the Park Avenue Armory and the first guy we met was from Ohio. "What are you doing here?" We like it. It is called the Constitution. This is a national problem. So is drug addiction—an international problem. The Federal Government should be helping us with the things that are Federal. They talk about them but they don't help us. It is that simple.

Mr. GUARINI. Do you feel from your management as governor that there is cooperation on the local——

Governor CUOMO. Yes.

Mr. GUARINI. State and Federal level, that there isn't overlapping of jurisdiction and turf and preserving their own jurisdiction?

Governor CUOMO. Frankly, until 1983, my first year as governor, we had no coordinative device in this State for criminal justice. Larry Kurlander's district attorney up in Monroe County was the first director of criminal justice. It is the first time in the history of the State that we had a mechanism that takes the sheriff's parole corrections, New York City Police Department, and State Police and melds them all together.

Our relationship with the FBI, with the Department of Justice—Andy Mulrony is about to be sworn in—and all the other Feds are excellent. What you need is a device that deals with the drug problem nationally and internationally. You need a piece at the very top.

If I could find another logical one, then maybe I would say, well, you don't really need the President. You know, use the Attorney General. But I don't think—because you are involved in foreign policy. You see, the coordinative device on this problem has to touch foreign policy, defense budget. We have a question about our National Guard. Should I use my National Guard in training to help in surveillance for drug ships? A nice question. A difficult question, a jurisdictionally cute question, as you have in Bolivia.

With those lines, what is a posse comitatus, and at what point are you diluting your defense capacity and getting into dangerous grounds of getting Federal enforcement involved—and it frightens me. I like states' rights. I like having my own uniform. I like the color of the uniform being different. I like to tell who works in Washington and who works for me. But whom would I go to other than the President with that kind of question? So I think you need the President coordinating the whole effort.

Mr. GUARINI. Lastly, at the same time you read in the press that the U.S. attorney and the State district attorney clashed with each other over their own turf.

Governor CUOMO. Sure.

Mr. GUARINI. That seems to be counterproductive.

Governor CUOMO. Oh, sure.

Mr. GUARINI. I imagine there should be more and better coordination?

Governor CUOMO. Oh, no, we have a perfect vehicle of communication for Ed Koch and I. That doesn't mean we are not going to disagree. I don't think you should go from Rudy Giuliani and I and Bob Morgenthau, who disagree, so you don't have a coordinative mechanism. Sure you do. It is very simple. Larry can help. We had the problem on the question of so-called political crime here recently, where there was some question as to who had jurisdiction. Larry comes down, talks to Rudy, talks to Bob Morgenthau, and it helps get it worked out.

That is just a problem of reasonableness. That is not a lack of vehicle. And for all the individual situations where Bob Morgenthau and Rudy Giuliani did not agree there were countless numbers of situations that never get recorded because they agree. Overall, from my vantage point—and I am sure Larry agrees—where we discussed it we get along well. It is not perfect but we are human.

Mr. RANGEL. Is there any member seeking recognition?

Mr. DioGuardi?

Mr. DIOGUARDI. Thank you, Mr. Chairman.

Governor, I would like to say I enjoyed your testimony. I thought it was very informative. I would like to comment and ask you a question.

I think I can appreciate the shambles that our budget process is in and how we look at superficial rather than qualitative judgments. The key word is setting priorities as you said.

My feeling is we cannot afford to hold kids hostage to a budget crisis, whether it is in New York State or at the Federal Government. It has got to be a key priority with us. You can't put a price on our children. That is the future of this world, certainly the future of this country.

The thing that struck me most about your testimony, something that I found in working with the intervention program of a nonprofit organization in New York City before becoming a Congressman, is that there is really no substitute for parents when it comes to the problems you mentioned.

Problems of drug abuse, youth suicide, all these social problems affecting kids today, require both compassion and education, to solve them. You put your finger on it in a very lucid way.

My only question is what are we going to do here in New York State to educate the parents? They are a whole different generation. They can't even understand what is going on today, and in many cases today, television sets are in the dining rooms, and the kitchens, instead of the parents talking at the tables the way you and I had with our immigrant parents.

It just seems to me we have got to focus on not the symptoms of the problems, which drug abuse is, youth suicide, alcoholism and teenage pregnancy, but what is the real problem here?

The real problem is that there is disintegration in the communication levels within the families, and it seems that the State has to take the lead right now in embellishing intervention programs, putting the parents back into the loop where they belong, so we can begin at setting our priorities.

Governor CUOMO. I would like to give it to you, but what you are talking about is the most profound question, how do we reconstruct our values in this country, how do we bring back family values?

How do we get the kind of society where everybody has the kind of parents we have? How do you make people respond more to intelligent discipline? How do you give people motivation?

What do you do about religion? The question is so basic, so fundamental, you would have to go on and on. What are the values in this society? What do we believe in? I introduced the word family in my own State, and use it to the some people regard as tedious, because that is the best one word summing up the value structure I think this socicty needs.

I think the one thing this society needs to understand is—I don't—John Dunne was right, that no man is an island, and that you have a relationship one to the other, that we are all brothers and sisters, that we are all interconnected, that we all have a common obligation to one another.

I can't say it any better, so I use the word "family." I will say this: You don't have to reduce it to some philosophical tract or treatise. You can do some very practical things about family, and congratulations. You are doing them.

When Charlie Rangel fights for 500,000 or 6 million people—500,000 in this State—copying off the tax lists who are poor people. When you fight to increase the exemption, when you fight to increase the standard deduction, when you make it possible for families to hang together with your tax law, when you help them to educate their children, when you help them with housing, which you are doing nothing on—not you but the Federal Government, there are a lot of practical things we can do to strengthen families.

My mother and father were the best that ever lived, like yours were. But they had a grocery store. They had a job. They had a way of producing bread for their children. They had an avenue to dignity. They were willing to work themselves until I saw my father bleed from the bottom of his feet, and I have said it over and over, he had the chance to do it.

There are a lot of people now who are not given that opportunity, for various reasons. From the beginning, they are not given the opportunity. Anyway, I think you are right. I think ultimately, since it is a consensual problem, the question is how do you convince the kid not to try it?

How do you convince that woman not to get pregnant? How do you convince that guy not to be reckless with this marvelous gift we have, the ability to procreate? How do you convince people to have more respect for their dignity?

Too big a question for me, too big a question for this time, but there are things you can do practically, like helping them with your taxes, which you are doing with your tax reform, by helping to provide housing, helping to provide jobs.

Mr. RANGEL. Congressman Towns?

Mr. TOWNS. Thank you very much.

Let me say, Governor, I have really enjoyed your testimony. I think you really covered the areas that we have been talking a great deal about over the past few years.

One thing you sort of mentioned that I would like you to expound on a little more, you talked about the importance of education and prevention and getting the administrators involved in terms of education is important.

My experience has been in talking with people in law enforcement and people in New York City involved in education, they are having a problem for the educators, that the average superintendent or the average principal of the school is the last one to admit that there is a drug problem in the school.

The reason for it, according to them, is that if the administrator admits there is a problem as far as drug addiction in the school, it makes them a lousy administrator, so therefore, he is the last one to admit it, and as a result of that, it creates a real problem as far as being able to get to the real heart of the problem.

What do you propose you might be able to do to change the atmosphere of the thinking of the people who are charged with leading the education in our facilities?

Governor CUOMO. I think I have established a willingness and eagerness to address all those problems, but I am told Gordon Ambach is here, and I think frankly, as a matter of courtesy and intelligence, I ought to leave that to Mr. Ambach to address.

After his testimony, I would be pleased to comment on it. But I really do think he ought to be given the opportunity to address that subject first, if that is okay.

Mr. TOWNS. I have no problem with that, but the fact you mentioned it and mentioned it so strongly, and you were so convincing in your testimony, I thought you might want to add a little more to it.

Governor CUOMO. I will, but I would like Mr. Ambach to have a chance first.

Mr. TOWNS. I respect that.

Mr. RANGEL. Senator D'Amato?

Senator D'AMATO. Thank you, Mr. Chairman.

Governor, let me tell you how absolutely refreshing your comments were in relationship to the problem in education. I respect you immensely for coming right on up and saying look, this is an area that we have got to do something about, and I am not happy with it, and I appreciate that, because it is something that I have seen.

Let me, if I might, share with you—I am sure you have heard something about it—but it is a program that Commissioner Ward has worked to bring about. It is the school program to educate and control drug abuse. It is tremendous, fabulous. It really gets these youngsters in the second, third, fourth—I think it is the fourth, fifth grades, and it has them making intelligent choices.

I would commend you, too, Julio. I know Julio Martinez is aware of it, to look and see how this program—instead of attempting to reinvent the wheel with the young people, how it can be further expanded in the city and throughout the State, because we have this problem.

By the way, it is not just hard-core drugs. Alcoholism. We have these kids in the seventh and eighth grade, and they start in those junior high schools with binges on the weekends, and it goes to other substance abuse.

I commend it to you. I think if you are going to say, how do we do this, we can have it military involved, every law enforcement working to capacity, Federal-State-local, and I think the President has to be the first one, by the way, to lead this.

This is a national mobilization. That is what we are talking about. Bill Green mentioned you can't just have education in the school districts and let it go in the private society.

What are we going to do? How do we turn that peer pressure around? What kinds of rewards and punishments are there going to be? Congressman Towns mentions it. School district after school district, not just the cities, in the affluent areas, kids come into schools. If they are zonked, if they are stoned—I think that is the vernacular—as long as they are not socially disruptive, they are tolerated.

The principal doesn't want the schoolteachers referring them up to the office. There is no place to put them if you refer them up to the office. So what do you do? We have a multi-faceted problem. I commend to you this education program. I agree with you that this challenge is one that calls for our President to begin to mobilize every area of our society, including the military, to come together.

I leave you with one thought. I say this not to be confrontational. I make this as an observation and I have shared this with Congressman Rangel.

I mentioned, and I know of your love and devotion to the law. That is well-known. I respect you for it tremendously. I see, when I go to the town hall meetings, this terrible thing taking place with the people.

I went just recently to the Bronx. The word is everyone is on the take, Senator. They are all taking. The little mob is too big because they so see, as Senator Chiles said, a basis of the dealing in community after community.

In one block, dealing with all in their own way. So, they say how can it be that this can exist, that police officers see it, et cetera, and that they laugh, and they operate with impunity.

Obviously, our judicial system. The criminal court system, the justice system is overloaded. It is tremendously overloaded. It seems at the end of it, even those judges who want to hold somebody, to commit them when they are arrested when they come in for their plea bargaining, the final and analysis is there is no room.

So I applaud your efforts. I have been to the prisons and I think we short-change ourselves unless we also say that is for those who should be imprisoned, so we can keep the integrity of the system, so people don't get that belief that, my gosh, we are going against the tide and no one cares.

We have got to do something. If it is to create maybe a—and it will create some very real problems, monumental, rock the boat—if we have to call upon the Federal people to give us lands, et cetera, as we did once before, the break in Brooklyn—because to put back the dealers who have been convicted and plead guilty 20, 30 times back out on the street, some cases with no time, does such a disservice to all that you stand for, and to our laws.

Governor, I think that is an idea that we have got to all come together with because that is just one of the tragedies and it further escalates into a situation where people have a total disregard for the law.

Governor **Cuomo**. I agree with you, and commend you for all you are doing. Let me just conclude that frustration is perhaps too strong a word, but the difficulty I have dealing with the point you just made, my criminal justice budget is up 52 percent, 8,500 new cells.

Just think of it, 8,500 new cells. We will have 10,000 more people in jail when I am through. They did not volunteer. If they get arrested, convicted, they are going to be in jail.

At the same time, we get beaten up from Washington from being a high-tax, neo-socialist state that spends money recklessly. Criminal justice is up 52 percent. We have a drug problem. The Federal Government is doing practically nothing to help us with, and at the same time, we get extolled not by the people here, but in the general sense, the tax reform bill got launched with a dagger pointed right at the heart of New York, and a nice speech about how neo-socialist we were, and how reckless we are in our spending.

There is our spending. 53 percent more for criminal justice. That is our defense budget. So, it is kind of hard. Finally, Mayor Koch is waiting to testify. I know about Ben Ward's program. We helped to fund it. It is an excellent, excellent program.

It is part of a police department that is the best in the world, proved it again recently over the Liberty Weekend, that festival. That was an extraordinary display of ability, competence, and management by Ben Ward, the police, the sanitation, the parks, and the Mayor.

The point it makes is we are doing everything we can at our level. Certainly the Mayor is, and the City of New York. I think the State is as well. Now it is time for us to get a little bit more help, I think, from the Feds.

Thank you very much for your patience.

Mr. **Rangel**. Just a moment.

Senator **Chiles**. I will ask you a question, and perhaps you can submit an answer to it.

You mentioned in your eloquent testimony that this is a problem that knows no political boundary. I enjoy working very much with Senator D'Amato, who certainly has taken a leadership role in the Senate in trying to combat drugs, and certainly the Crack-cocaine problem.

Senator D'Amato mentioned that we are having a meeting with the Attorney General next week. That meeting is occasioned by some legislation the President signed on the emergency appropriation bill that required the Attorney General as Chairman of the National Drug Enforcement Policy Board to convene the Board to address the emergency basis, the crisis phenomenon that cocaine, free based or rock had brought about.

Within 60 days, the Board is directed to report to the Congress and develop and implement a national plan on how to combat this and how to assist State and local law enforcement agencies, and how to halt trafficking. And also a plan to foster public understanding of the dangerous effects of the substance of rock.

We will be going to that meeting next week. I think Senator D'Amato and I would both like to ask your advice—as I say, I know time is short—if you give us a piece of paper, if you give us your advice, if you have your law enforcement people, or your education people give us something that you think we should lay before the Attorney General to assist him in coming up with this plan, which he and the National Drug Enforcement Board, are to come up with within 60 days, I think that would be greatly helpful.

Governor CUOMO. I thank you for thinking of us. You flatter us with a request for our opinion, and we will get it to you well on time to be used for that comment.

Mr. RANGEL. Congressman Weiss, before the Governor leaves?

Mr. WEISS. I know the Governor's schedule is very heavy, and I will defer my questions.

Mr. RANGEL. Governor, I want to thank you again. I don't recall ever receiving such inspiring testimony. I hope we can find a way that you can share this with your other Governors. You know, we hear from them on revenue sharing and State and local taxes, but you have clearly pointed out that while there is an important role for local and State governments, that they have to help us in making an appeal for national strategy, and you could help us a great deal on that.

Thank you for your testimony, and feel free when we don't have hearings to share your feelings with the committee, because your word goes a long way in Washington.

Governor CUOMO. Thank you very much.

Mr. RANGEL. Thank you.

We will be hearing from the other witnesses on this panel later.

Mayor Koch, let me apologize for having you wait for so long. If people didn't know about our extraordinary relationship, they would think that it was done deliberately.

But because we have worked so well and long together, I know that you understand what happened. Also, I think you should feel able to take some of the credit for the dramatic decision that was made by the Administration as relates to Bolivia, because I can't think of any voice that has been more influential on our Congress than yours in calling for our military to participate in this national crisis and threat to our national security, where we should be using all of our resources.

Not knowing your schedule, I would ask unanimous consent that your testimony be entered into the record at this time. The Chair, hearing no objection, so orders. You can proceed as is most convenient for you. We thank you for waiting. We thank you for agreeing to testify.

## TESTIMONY OF HON. EDWARD KOCH, MAYOR, CITY OF NEW YORK, NY

Mr. Koch. Thank you. I appreciated the original invitation, and it was not an imposition at all waiting, while listening to the Governor, because his comments were very educational from my point of view, and I support everything that he said.

I would like to add where I can, and supplement where I can as well. I would like to file my full commentary and to make an oral presentation, then to take your questions.

Mr. Rangel. Without objection, could you identify the person accompanying you?

Mr. Koch. Kevin Frawley is the Criminal Justice Coordinator of the City of New York.

Mr. Rangel. The committee welcomes him.

Mr. Koch. Mr. Chairman, for me and for you and for almost everyone who has spoken on the subject throughout the country, the scourge of drugs is the number one problem in America.

When President Reagan authorized the sending of a little over 100 military personnel to Bolivia, I tell you what my reaction was. My reaction was hallelujah. Secondly, why Bolivia? How about putting the military on the borders of the United States, or both? I applauded what he did, because it showed a change in the mind set of the Federal Government, that heretofore all of us, you, Senator D'Amato, Senator Chiles and others here, when we requested the Federal Government to use the Armed Forces of the United States Army, Navy, Air Force, Marines, all of it, we were fought tooth and nail.

Secretary of Defense Weinberger opposed the legislation which you and Al D'Amato led the fight for in the House of Representatives and the Senate, and said that it was not the mission of the Armed Forces to deal with drug interdiction.

When he said that, I was overwhelmed in a way, because I thought to myself—and I am a supporter of our military defense establishment, I believe as a director of the free world and I believe we have never to be less than the best in terms of defending ourselves.

You can always quarrel as to what is the best and overkill, et cetera, but I am supportive of providing an adequate military defense and the means that go with it. I thought to myself, God forbid we ever have to use any of the missiles or the Trident submarines, that is World War III, and we are all going to be dead.

So, the real question is not World War III, which we pray will never happen. It is what the war is today, which is happening. And I thought about the cost of the Trident submarine. And I am for the Trident submarine. It costs $1.480 billion. We have seven of them.

I thought to myself, what did they say when Charlie Rangel and Al D'Amato and others, and myself included, said we need the military to guard our borders? Well, we couldn't get it through the Congress—although the House was much more receptive—but in the Senate, it was going to go down to defeat until Senator D'Amato and myself went to see Senator Sam Nunn of Georgia.

He said, "I am going to tell you what I can get done." Al was there, and if I overstate it or understate it, please bring it up. He said, "I am going to tell you what we can do. We cannot get the Defense Department to accept the mission of drug interdiction, cannot."

I will tell you why, in my judgment. Because they don't want to take a chance of losing. They don't want to be given the mission and then not be able to perform. So, what is the alternative? That we lose the war.

But he said, "I will tell you what we can do. We can get an appropriation of 15, 1-5, million dollars to bring into the Coast Guard 500 additional personnel, and we will put them on Navy ships, and they will be added to those now involved in interdicting drugs.

What the Senator said at the opening is what I want to repeat now. They haven't spent the 15 million. They have said they are going to spend it over a three-year period. Now, think about it.

We spend a billion, $500 million for a Trident submarine, which we hope will never be used, we hope that, in terms of war. And we are not even willing to expend, in one year, $15 million to hire 500 Coast Guard men to help with interdiction.

Now, about two years ago the figures, as it relates to what is coming into this country and how it is coming in, were so overwhelming they boggled your mind, and they are probably worse today.

But about two years ago, the Federal figures on the subject were that six out of 100 ships bringing drugs to the United States were interdicted, apprehended, and 1 percent of the 18,000 non-commercial flights, planes, bringing drugs into the United States, 1 percent, were interdicted.

Now, think about it. What is the answer? I believe the answer is, number one, the removal totally of the law on the books of this country, referred to as posse comitatus, which says that the Armed Forces may not be used to carry out the enforcement of civil law, may not be used, or the criminal law may not.

People think, especially the people who perceive themselves to be liberal—I perceive myself to be liberal—I am sure most of you do, too. But some of them say, that is such a wonderful law. It is going to prevent a dictatorship. Baloney.

Do you know why that law came into being? It was after the American Civil War, and the Army was used to apprehend the Ku Klux Klan and all of the others who were seeking to prevent the freed slaves from exercising their citizenship, the South was able to get the Congress to pass a law that said, stop using the Army, because it was so effective.

Now, the "liberals", that small number that support posse comitatus, don't know the origin. So I am telling them. Now, what else should we be doing? I would like to tick off a few suggestions.

I believe amongst the other items we need the Federal Government for some reasonable period of time to say that it will exercise exclusive jurisdiction in this area. At this moment, there is concurrent jurisdiction and the localities, arrest, narcotics pushers and the Federal Government does some very limited—they like to think that they will only arrest the big gays and we will arrest the little guys.

It is the little guys that are killing people. They are the ones who are merchandizing it out there. I believe that localities cannot deal with it. Now, Ben Ward, whose name was mentioned, and who is a superb Police Commissioner, about two and a half years ago initiated, for the first time in the history of the City of New York, major local police involvement in drug arrests.

Prior to that time, police commissioners took the position that there is so much money to be made in this matter that there was too great an opportunity for cops to be corrupted and, therefore, they would only use small details of cops who they could carefully supervise.

Police Commissioner Ben Ward said it is too late for that. "I, Commissioner Ben Ward, will take the responsibility for dealing with corruption", and undoubtedly it is a corrupting influence, and "I will go after them," said he.

But I believe that overall, the personnel power that we must bring to bear is our whole police department. So he unleashed the police department from that heretofore limitation. What has been the result?

I remember Ted Weiss coming into my office, maybe it is two years ago, saying he had a number of places that were drug joints, and they are operating with impunity. Am I right, Ted?

Those particular ones I hope are not still operating, because I can tell you we went in and we closed hundreds of them. I know there are other places operating today. They operate differently. They operate in buildings instead of out on the streets, and where they used to operate on the Lower East Side, and I went down there and through a truck with windows that you could see through, but couldn't see into, and you would see these lines of 50, 75 people, standing there waiting to buy their drugs.

So, Ben Ward sent in Operation Pressure Point. First, one was on the Lower East Side and the second one was in Harlem, and now we have them in various forms throughout the City, under different names. And he has arrested, his police department, has arrested more than 55,000 drug pushers. Not bad.

And about 4,000 of those who were arrested for felonies have actually gone to jail. That is not so good, but not bad. Has it reduced the sale of drugs in the City of New York? Not one iota, in my judgment, and in the judgment of the Police Commissioner.

It has just moved them to different areas or into the buildings instead of on the street. We harass them, is the way they perceive it. Why? The money that is involved. In 1984, my recollection, the value, is the value of drugs in this country, cocaine, heroin and marijuana, cocaine and heroin cannot be grown in the continental limits of the United States, climatically, and 90 percent of all the marijuana that is used is imported, even though we grow some. But 90 percent is imported.

The street value, my recollection is, is $110 billion two years ago. It is more today undoubtedly. Well, if you have a $110 billion in street value, there are going to be people who will willingly take the chance of arrest, especially when the statistics I have given you show that very few will go to jail proportionately.

I have concluded that the death penalty is an option. Now, we are not going to get it in the State of New York. I am talking about on a Federal level. I say not in New York. The Governor is against capital punishment. It is a moral issue, and you can be moral on both sides of that issue, so I don't find fault there.

But the Federal Government does have the death penalty for a number of crimes, and I am saying that wholesale distribution of drugs—and it leads to death, multiple deaths—ought to be included as one of those crimes.

It isn't like you don't have it. You do. Add it. You have it for skyjacking for the death of people, and others as well. Add it.

Now, will it work? Let's try it. I don't know whether it will work. I think it will. I know that what we have done thus far doesn't work. I know that for more than 30 years, people have been talking about dealing with drugs.

I heard the chairman say that we have lost the battles on television. And you are right. I believe that since this select committee—I served in the Congress—that since this select committee has been operating, before you came on to it, that drugs every year increased in distribution.

It is not your fault, but showing that what we have done hasn't worked, has not worked. Therefore, we need to be bold about it. The way you can be bold about it is to say, A, give the Federal Government and its Armed Forces the mission of interdiction.

They don't get any of those drugs here. They are not grown here, can't be. Secondly, give exclusive jurisdiction for some period of time to the Federal Government's courts, all drug cases. We will still arrest them. Try them in the Federal Courts. Open up Federal jails.

I want to tell you about the jails. We have increased our jail space from about 7500 cells or spaces, because some of them are dormitories, when I came in, to about 12,500 at the current date, and we will have ultimately, by 1989, 15,000 beds.

The Governor talked to you about the numbers that he has. When we build jail cells, we build maximum jail cells. It is $100,000, like building a co-op, one room. The Federal Government should open very simple jails in the deserts of this country, in the tundra of this country in Alaska.

I am saying this not facetiously. I am saying it because it will not have the same cost, and you can take them in and there is the additional punishment, if people know that they are going to be serving time in a tent city in a desert surrounded by barbed wire—not a concentration camp. They are not going to be tortured. They are not going to be killed.

But they are going to be incarcerated and there is nowhere to run, because there is a desert out there, or if it is in Alaska, on the tundra, there is nowhere to run, because it is snowing out there.

They should take every one of them convicted and put them in these camps. Now, in addition, Congressman Rangel has led the battle to deal with it on an international basis. I don't doubt for one minute but that what is happening in Bolivia is occasioned by the legislation which you enacted, which causes reports on what is happening in these countries that are producing heroin, cocaine, et cetera.

But I want to tell you of another way we can deal with those countries. I believe that if every plane—let's start off with planes first, because it is easier, and then we can include the ships.

Let's take the planes first. Every plane that comes from a foreign country, that comes into our international airports, like Kennedy, take the people off the plane. You ascertain whether they or the plane carries drugs. You do it with dogs.

We use it all the time, dogs that sniff out drugs. And if they sniff out drugs on particular people—and we have a right to do it, there is no constitutional prohibition. If someone is carrying drugs, arrest them, use the Federal Court system, as I have outlined it to you.

But everybody else on that plane—I can't care whether they are American citizens or not—put them back on the plane and ship it back to Colombia or Mexico or Bolivia or whatever country is the country of origin.

Why? Because it should be their job to make sure that that plane, when it leaves their country, doesn't have drugs. And if there is enough of this, they are going to put their dogs on the plane before the plane takes off.

Now, I advocated this, and it became the subject of public discussion. You know what the answer of the drug enforcement people was? Well, the dogs bite people. That is what they said.

Now, I think you can train a dog not to bite. A dog that is trained to sniff out drugs can also be trained not to bite. But it is the mind set, the declining to take responsibility.

You know, the Federal Government had a commission that looked at racketeering, and they also covered drugs. You know what they said? They said you could put those who engage in drug sales out of business if you called in every $100 bill and required the people to explain where they got them.

Because drug sales are conducted in hundred dollar bills at that level, the wholesale level. So, what would these people do? I mean, if you said the bill was no longer valid unless you turned it in and you got a new bill?

So, I advocated that to Jim Baker, the Secretary of the Treasury, and this is what he said to me. He said it would cause foreigners who use our bills, $100 bills, to lose confidence in our currency. That doesn't make much sense to me.

It may be a little inconvenient. They are not going to lose confidence in our currency. It would take a lot of time, because there were billions—I think the figure used was about $60 billion in $100 bills is my recollection of what he said.

Why don't we try it? Why do we look for obstacles? We have lost battles—and I agree with the chairman on that—but we haven't lost the war. We haven't lost the war, because they still keep coming, and we are still paying.

But the day may come when we have lost the war. That will be the day that a majority of Americans are using drugs, and decide to legalize it, and that will be when we have lost the war.

I believe that we can recoup and recover from the lost battles, and to win the war. In addition, we should have a money laundering statute. What would that mean? That when these people bring in the $100 bills—do you know why a $100 bill is so important to them? Because if they did it in $20 bills, they would get a hernia.

When they bring in the $100 bills, the money laundering statute should say, if you knew or should have known that these are the proceeds of an illicit enterprise, you are guilty of a crime.

Should I stop?

Senator D'AMATO. I was just going to say, Mayor, if I might, with the approval of our chairman, I have had a money laundering bill for three years now, and it is an absolute disgrace that the Congress, that the Senate, that the Administration does not say let's pass this bill or some form of the bill—three years.

I would also say to my colleagues on the House side, take the bill and run with it. Change it any way you want. It is not pride of authorship, but we need that bill. Instead, we get the Administration coming in with an omnibus bill, and we don't get it passed.

Absolutely, that is how you get after the main money traffickers and the main money dealers.

Mr. RANGEL. I would just like to say the House has marked up a couple of bills, but not only do I agree with the Mayor on the $100 bill issue, but I have even tried to sell it as something that would lessen the deficit.

Do you know how much money we have lost because they keep changing the size of the tokens of people when you have to exchange it? If you bring out new bills, there would be a whole lot of money there you could pick up.

Mr. KOCH. You bet.

Two or three other suggestions, and then I will stop. I support your bill, Congressman Rangel, to provide the $750 million over a five-year period for a whole host of services. It is a pittance compared to what we are spending. Think of it as half a Trident submarine. That is all you are asking for, and over a five-year period.

I also believe that we need a National Drug Education Corps, similar to the Peace Corps. We sent around the world, to the great credit of the United States, under John Kennedy, young men and women to teach people to farm, to teach people to work.

Can't we teach people how important it is not to use drugs? There is something you can do, generically you, the Congress. We need a campaign which people have talked about, an educational campaign.

The airways, the television waves, belong to the people and should be used in some way in addition to making a profit for those who have been given a license. They should be required to show programs on television every single day, and on the radio, of what drugs do to people, youngsters in particular, but not limited to youngsters.

And we can compel them. We used to require public service programs. You know, as a Member of Congress and as Mayor, whenever I go to a television station—but no more, because I think they have removed that requirement—they used to say, what do you think of the three most important issues? Remember that?

And is "W-blah-blah" meeting their obligation? Of course, I suppose, like most people, I gave them the three issues. Are you meeting the obligation? I am going to tell them no.

So I say, sure, right? Why don't we impose this new obligation? I am going to stop there, and take your questions.

[The statement of Mr. Koch appears on p. 140.]

Mr. Rangel. You have been extraordinarily good this morning, and many of the things that you were testifying, Al D'Amato was saying that is a good idea, let's do it. All of those things that you testified to are in your written testimony?

Mr. Koch. In greater detail.

Mr. Rangel. And our staff will be working with yours to see which ones could be implemented.

My only question is that the Governor has pointed out that he could go to law school and make a Federal case for every arrest that has taken place in the city. Well, I think you said it in a different way. I don't have to go to law school. I mean, that is the law. Every case you make is a violation of Federal law.

Then you have honestly and candidly said what I have been prodding people to say, and that is that you are arresting more people probably than the Federal Government; you are putting more people in jail than anybody. But then you candidly said that no matter how many people you are putting in jail, that you really don't expect that you are diminishing——

Mr. Koch. Correct.

Mr. Rangel. One particle of Crack or one pusher on the street?

Mr. Koch. Absolutely correct.

Mr. Rangel. I can understand why, I guess, that police commissioners around the country don't like to talk that way, because they are appointed; they are not elected. It may appear as though they are saying, "I am not doing my job." Or, it could be that the uniforms mean that they are not supposed to talk about anything; just do their job and not make any political sounding statements.

What I don't understand is how can people like you, and nearly as good as you, go to mayors meetings and listening to the White House say that it is a local problem? I mean, they are not playing around. They are telling that with all of the flair in which you point out what you don't grow here. And with all due respect to the United States Attorney's Office, which I am proud to have been a former member of—you know, every time they make an arrest they have a press conference, and I thank them for arresting people, but why is it that mayors that are right there on the front line with the problem, arresting people, putting them in jail, and you can't go into a community that people aren't beating up on you saying you are doing nothing?

I tell Commissioner Ward that the statistics are great for me, but they don't fly in the churches and the synagogues. What does it take? That is the reason why I don't beat up on Al D'Amato if he wants to go drag to make a buy. What does it take for the mayors to come together to be able to say let's take a look at this now? We don't want you to run our local and State police forces, but for God's sake you have to acknowledge that it is a national problem.

We cannot, Mayor Koch, get an acknowledgement that is national. Now we take our committee throughout the country, and the Drug Enforcement Administration, the Federal Bureau of Investigation, with great pride talk about their selective prosecutions, and you said it. They think if they pick—one of them called me in the middle of the night: "We have arrested Big Red," and I am supposed to feel excited. I don't know who it is, but I don't want to offend anybody, you know. And I say that is great. But, like you said, you can't get in your own home block, and no one is impressed with the big arrests.

Cannot the Conference of Mayors, the Conference of Governors, get together in a bipartisan way and say, "Look, Mr. President, shove all the responsibilities you want on us, and education and providing services, reduce the taxes, have us carry the burden of increased taxes; but you can't tell us that this is a local problem and you can't tell us that your budgets—the educational budget for our country is $18 billion"?

You would think when the Secretary is before us and we point out to him why is it just $3 million allocated, that there would be a source of embarrassment. The response is that the educational policy for the country is to kick him out of school. I mean, this isn't someone that says this on the campaign trail. This is the Secretary of Education saying kick him out of school.

When you ask him, well, suppose the Congress overrides you and says that we have to have something to give to our kids, he says, "I think it would be a mistake to mandate any Federal programs much less in education."

What would you suggest, because we are not asking you to take this battle on by yourself? How can what you have said this morning be conveyed to other mayors, because you know they agree with you, in such a way that a statement is made so that we don't look like we are demagoguing the issue or trying to embarrass the President, but in saying we are the mayors of the country?

Mr. **Koch**. I tell you, Congressman Rangel, what I think is required. I think that on a bipartisan basis, that we ought to call a National Conference of Governors, Mayors, legislators here in New York—because maybe we have the space to do it—and to say that the number one issue in America, and therefore the number one issue in this coming election, Federal election, would be how you, whoever you are, running for reelection on a Federal level, will deal with the problem of drugs.

Now you and I know that President Reagan is a very decent man in terms of what he would like to see for America. We don't agree with him on many occasions, but you can never fault his fundamental decency. I honestly don't believe he understands the enormity of this problem. I honestly believe that.

I honestly believe that if he were faced with a bipartisan coalition of every governor, the mayors of America, and the Members of Congress, without regard to party affiliation, who set forth a credo—you know, sort of like Martin Luther, nail it on the walls of Congress, if you will—and say this is what has to be done—I believe that he would focus on it.

Mr. **Rangel**. I agree with you.

Mr. **Koch**. And I believe there has been a crack in his mindset by acknowledging the need to send 100 or so military personnel to Bolivia. If you had said that last year, they would have laughed us out of Washington.

Mr. **Rangel**. We pray that you are right. We pray that you are right. And that is why, notwithstanding the fact that I think the Congress should have been consulted, I don't even want to deal with it. The President has authorized this to happen, but again I don't want to put you in a position where you may be promising more than you should, or that you can produce, and drop out the governors, because that is too big.

But what you are saying is that if you know all of the mayors in the country have to agree, if you really know what we have heard around this table as to mayors who are now being charged with being corrupt, because it looks like they are not doing their job, and they are crying about everything they are doing, and the Federal Government says, well, that is local—you know, you don't expect us to be there.

Calling them together—have you ever heard of a conference being called of the mayors because of a national emergency? How could it be done? How could we help? Could we pass a resolution mandating that you take the lead, the greatest city in the country?

Mr. KOCH. On one condition, if I might pose a condition, which I have no authority to do, which is that you and I sign the letter.

Mr. RANGEL. To the mayors?

Mr. KOCH. Yes.

Mr. RANGEL. Listen, you have got that, and you can put a lot of other conditions on it. Let's work on that.

Mr. KOCH. Good.

Mr. RANGEL. Because I really think that is a winner. And I want to agree with you 100 percent that there is no way in my mind to believe that if the President was fully aware of the serious nature of this, he wouldn't do something.

Former Chief Justice Warren Burger has said to me privately, and I have heard him say publicly, that in his opinion the drug threat is a greater threat to our national security than communism.

Mr. KOCH. I believe it.

Mr. RANGEL. And that is a statement coming from the former Chief Justice.

Let me thank you. We are going to take itemized lists. We are doing it because we know you have got to follow through anyway, so we might as well beat you to it and tell you what progress we are making.

I yield to Ben Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

Mayor Koch, we certainly welcome having you come before us. I read with a great deal of interest your article in today's Times. I want to comment on a couple of things.

You are recommending utilizing the full resources of the military. I think we are moving in that direction very rapidly, because of the national security threat several months ago, and now Bolivia, the suggesting that we follow up with other countries. I think you are going to see a great deal more utilization.

With regard to posse comitatus, I am sure you recognize that we did liberalize the law last year, and thanks to the help of Charles Bennett in the Congress, Representative Bennett, there was a frontal attack—and you have certainly given the background of where this came from—but I think we have opened the door to posse comitatus now.

Yes, they are coming in kicking and screaming about getting involved, because the military just doesn't like getting involved in this criminal type pursuit, just like the FBI did not want to get involved in this kind of corrupt activity for fear that it would corrupt, but they are involved now and it is a good part of their training, because it is a war and it has been working out.

You also talked about establishing a National Drug Education Corps, and I think the education program is something that we have got to attack in our State education system, and not just New York State. You heard the Governor's candid analysis of how we are failing to do it here, and I know that you have a good program in your police agencies here in New York, but I understand you have only been able to attack a portion of your school system.

Mr. KOCH. It starts with the fifth grade.

Mr. GILMAN. Because of the limitation of funding, as well.

You talk about the death penalty, and I think we are moving toward that in Congress. And there have been a number of very severe measures being recommended. Federal narcotics courts—I don't know what we are going to do. The courts are crowded. We don't have enough judges now. They are moving in from one district to another, but certainly we are going to have to make certain we have adequate judicial personnel at both the Federal and State levels.

I just wanted to touch on a couple of things because they are so important. You talk about opening the Federal prisons. I went through in my own area the problem of building a new Federal prison, and it took many years to convince the local populace to allow it to settle there, and then to get it constructed, and you know the problems of construction.

In our Federal prison system today we are crowded, not to mention the city problems and State problems. I think we need a national bonding program to help local jurisdictions build the kinds of people institutions that are needed.

You know there are a number of people out there who will fight it tooth and nail about opening up a new penal institution. They fail to understand the necessity, and they feel that this is not the way to take their criminals. So that is a tough road ahead, both Federal and State, and it boils down to getting more resources.

You talk about enhancing the Federal agencies commenting on the drug problem. I am pleased to report that we had an appropriation yesterday from State Justice. We put in some additional funding, and we are going to see a lot more funding as we continue to focus attention. It is needed at the State, local and Federal levels. It is not one facet of government doing it more than any of the others.

In talking about enacting the State and local Narcotics Control Assistance Act, we welcome your support for that. We want to provide supportive funds to our local governments, because you recognize how restricted their budgets are, and certainly it should come out of the Federal system.

I think your initiatives are bold and worthwhile, and I hope that you will continue in your Conference of Mayors to emphasize the need to raise the public's consciousness throughout our nation, how critical the problem is. You are one of the few mayors who are willing to speak out nationally on this issue. We need a lot more of that.

I thank you, Mr. Mayor.

Mr. RANGEL. Mr. Guarini.

Mr. GUARINI. Thank you, Mr. Chairman.

Mr. Mayor, you weren't good; you were great.

Mr. KOCH. The Statue of Liberty still belongs to us.

Mr. GUARINI. We will debate that on another forum. We are on your turf right now.

Mr. KOCH. Let's vote while we have a quorum.

Mr. GUARINI. I never fight on another man's battleground.

If we put as much energy into fighting drugs as we did in our Statue of Liberty Centennial, we would be ahead of the game. That is what America needs, a rallying point. And you sounded the call.

The concept of getting all the mayors together at the grassroots is really one way to bring it national attention, when they go back to their communities, and at the same time arouse the focus of the President, which is really one of our main problems, because he is now gradually getting this message, I do believe. It is just that he is so isolated.

They say that Washington is 10 square miles of fantasy surrounded by reality. We have to bring him into the real world and see what the neighborhoods are like, the streets are like, in Harlem and in New York, and here and elsewhere.

I really want to compliment you on everything that you have said. We called for ideas, but we have been so overwhelmed with so many new ideas; but, at the same time, we had a hearing not long ago in Newark, and we were told by the U.S. Attorney of New Jersey in Newark that he is closing files that should be pursued on narcotics violations because he doesn't have the funds, doesn't have the staff. So, instead of really pursuing law enforcement, it is going the other way.

And I am just wondering how many times that could be multiplied in other districts throughout the United States. You know, there is a funding problem that is serious, and if that is a $110 billion industry we certainly can't fight it with just a few million dollars. And the use of military is beginning to sound more logical every day.

I would like to ask you, on a metropolitan area, has there been much coordination between the mayors concerning this drug problem and how it could be attacked?

Mr. KOCH. I would say that there has not been any coordination in the area of mayors. I think the coordination with all of the occasional flare-ups that exist in our law enforcement, U.S. Attorney, DA and so forth, I think that in fact they do a very good job, an excellent job. I think that just singling out Rudy Giuliani and Bob Morgenthau, Marion Morolla and the others, they have done a very good job.

Now, they are all, you know, sovereign in their own area, and that is always very difficult then for a mayor to be able to bring them together. But I believe that I have a good rapport, and that we have worked closely together before, and we will do even more so in the future.

Mr. GUARINI. Sometimes differences can be healthy. It makes it more competitive.

Mr. KOCH. I am sure.

Mr. GUARINI. I want to thank you very much.

Mr. Koch. Thank you.

Mr. Rangel. Congressman DioGuardi.

Mr. DioGuardi. I thank you for your excellent testimony, and wonderful ideas. It is very appreciative.

As a new Congressman, I will certainly study your testimony very carefully to see how I can help in pushing ahead some of those very great ideas, especially in the money area.

You are absolutely right; there are practical, common sense things we can do that we are not doing, such as the idea for the prison sites.

I saw a survey conducted about a year ago of about 200 Congressmen, and they asked these Congressmen from 25 different areas where would they allocate the money. And in terms of the Federal Government, they have three areas: regulation, taxes and spending. One of those areas was drug enforcement, and it ranked at the top in every category.

There is no question we know what the problem is. The committee now has to be the catalyst for action. I think you, the Governor, Chairman Rangel, play a very key role in this, and certainly the President.

The one area that I would like to ask you about, I have worked here in your city; I was a commuter from Westchester for 20 years before I decided to go to Congress. And I was on the board—he surrounded it with a good board of business people, announced it being 100 percent of public money. It is down to where I think 50 percent is private money, 50 percent is contract with the city and the Federal Government.

One of the most effective programs that I witnessed in seven years was the intervention program where he went into the schools and brought the parents together with the teachers, together with the kids, so to give a broad education as to what the issue problem is, and now it is down I think to the fifth and fourth grades. In those days, it was the eighth and ninth grade.

I am just wondering—and I hear from Mitchell all the time how much money he needs to do this better and better. I think you will agree that organizations like the Phoenix House—and there are other good organizations—would probably do a better job than maybe even the city and other municipalities. Why can't we get the money so we can expand their contracts?

Mr. Koch. I will explain, Congressman.

Every level of government has different responsibilities, so the payment to drug facilities, whether it be methadone or cold turkey operation, those are financed by the State. Just as we spend over $1 billion on law enforcement, the State gives us no money for cops. The State is the prime obligator for funding those programs, and we can't do everything on every level of government, so we have taken our responsibility, and it is the State's responsibility to fund the drug-free or methadone programs.

Mr. DioGuardi. You do agree that is something that should be done?

Mr. Koch. Absolutely.

Mr. Rangel. Congressman Weiss.

Mr. Weiss. Thank you very much, Mr. Chairman.

Mr. Mayor, let me express my appreciation to you for recalling the visit I made to your office a couple of years back. It was Commissioner Ward's predecessor with whom we met. And, at that time, I came to tell you about the fact that on my way to my home on the subway, four blocks away, I regularly passed five or six store front numbers and drug joints. Intellectually I understood the decision that your then Commissioner made—that on the basis of resources and priorities, that it was not considered effective to go after those places.

But I must tell you, back in the communities as I spoke privately—for obvious reasons I did not want to talk about our discussion publicly—with the people who brought some of those places to my attention, the explanation just did not wash, the government seemed to be condoning what was clearly illegal and unlawful activity, which everybody knew about. The kids knew about it, the adults, everybody knew about it.

I assume you are telling me now that if we have information of that nature and bring it to your attention, and to the Police Commissioner's attention, that action will be taken.

Mr. Koch. That is a commitment simply because, since our conversation, we passed the padlock law, which allows under certain conditions a certain number of convictions, and for the Police Commissioner on, I think it is the third conviction, to actually padlock the premises. So it may not be rented for a year. And that, of course, causes enormous grief to the landlord, which causes that landlord not to rent to illegal enterprises. So, you give us the places, we will go after them.

Mr. Weiss. Fine. I thank you very much.

One other area. I was pleased to hear you refer to what you felt the media's obligation ought to be in this situation. I used to be a very, very heavy smoker. One of the reasons that I stopped was because my kids, who were then eight and nine years old, were watching and listening to television, and heard all the talk about how smoking killed you. They came to me and said, "Daddy, we don't want you to die." And it seemed to me that kind of effective crusade the media engaged in regarding to tobacco ought to be renewed with great vigor as far as narcotics are concerned.

They have done this job before. They could do it again, and I think with great effectiveness. Tobacco use hasn't stopped completely, but there has been a tremendous fall-off because of the medics activity.

Mr. Koch. Yes, there has, indeed.

Mr. Weiss. I support you in that effort.

Finally, some of my police captains in parts of my district have told me that they arrest people who are clearly illegal aliens, undocumented, have no legal rights to stay, and are selling narcotics, and they refer the matter to the Immigration and Naturalization Service, and that is the end of it.

Now, I happen to be one who feels very strongly about providing people with aid and sanctuary in this country if they are fleeing oppression from other countries. But I also think if anybody abuses our society by getting into narcotics trafficking, the INS ought to incarcerate them under due process and do everything they can to get them out of this country. And I would welcome from you, through your Commissioner, a comprehensive report about the extent of this problem city-wide, because I am sure it is not happening only in my district, and I think it is something that we ought to be able to do something about.

Mr. KOCH. I am glad that you mentioned that, because, Congressman, it is an enormous problem for us. We believe the Immigration and Naturalization Service in this particular area, after an illegal alien has been apprehended in a major criminal matter, drugs being one—but there are others, as well—you cannot get the cooperation of the Immigration and Naturalization Service. They do not believe, in my judgment, based upon what they do—they do not believe it is their job to send people who are illegals in this country, having committed crimes, back to their countries of origin. They just simply don't believe it.

Mr. WEISS. I thank you, and I welcome your support in that area. Thank you very much.

Mr. RANGEL. The Chair recognizes the presence of John Conyers from Detroit. We always welcome him. He is one of the Members of Congress that always joins the committee, and I hope that he is appointed to this committee.

For purposes of inquiry, I recognize Senator D'Amato.

Senator D'AMATO. Thank you, Mr. Chairman.

I am going to have to leave soon, but first of all let me commend the Mayor for two very, very, very positive statements. I think that we should rock the boat. If that means getting all the mayors and all of the people together to say, my gosh, we had better mobilize because we haven't, this hearing will be over, and this hearing is important, and I think any way we can dramatize the problem we have we should avail ourselves of it.

I think, Mayor, your suggestion was an excellent one, because I think we will find that throughout so many areas of this country, that the same problem, maybe to a lesser extent, or maybe even to a greater extent—because they have small resources, et cetera, exist—are absolutely indispensable.

I urge the Chairman—and I think he will—undertake that. I think this is the kind of thing, Mr. Chairman, that we have got to do, and I think that is the way we will get to the White House so the White House maybe then will bring about a conference, also.

I think only when we get our President leading this effort do we really have a chance at success, because this is a tough battle even if we do fully mobilize. It is a tough one, for all of the varied reasons.

Secondly, Mr. Mayor, I am going to look to work with Congressman Rangel and any others, but certainly on the Senate side, to examine the legislative initiative that will require that time be made available in the interests of public service messages as it relates to the epidemic of drugs, and that there be time made available at good hours, in good slots—not at 2 o'clock in the morning, not at 3 o'clock in the morning.

I think it is important. These are, after all, the public airways and public domains, and if we are going to mobilize that battle we have got to use the private sector, and we have got to use the methods and means of communicating that message of anti-drugs, and why our young people should not become involved.

Then, thirdly, let me pay a compliment. I think that we are so fortunate. I have been hearing about how the Federal Government—and I join in that; I am not going to pull my punches because this is too important to break it down to protecting turf. And I think we have to rock the boat more forcefully so we can address the situation.

But for one tremendous, tremendous improvement in this region, dealing with drugs, a drug epidemic at every level—because not only is he a superlative law enforcement individual and leader, but he has raised public consciousness, has gone into the education area and stresses that, as our new DEA regional agent. He has done one tremendous job, and I just think we should acknowledge that incredible effort he makes.

Mr. Mayor, a last thought. It comes back to something that Congressman Weiss touched on. I know this is a particular problem to the Governor, your office and to others who have got the responsibility of seeing to it that there is sufficient jail space. If we do not make the commitments of those vultures who should be incarcerated, we don't have the confidence of the people in the system.

I agree with you it is possible to work as we did before to get the resources. We have got to build the prisons necessary for those who deserve to be placed in prison.

We are not talking about white collar. We are not talking about the non-dangerous person. We are talking about the sellers, professional sellers, who, with impunity, break the law because they know that even when Ben Ward and his people and the law enforcement officers are doing the job making the arrests back out there, there is little likelihood that they are going to go to prison.

We have got to work to change that. That is, in my opinion, one of the critical deficiencies that exist. And if we allow that to continue, we are not going to be successful. I think we have to address that.

I thank the Chairman, and I congratulate the Mayor for his very, very innovative suggestions.

Mr. KOCH. Thank you.

Mr. RANGEL. John Conyers, I know you didn't hear the Mayor's testimony.

Mr. CONYERS. Thank you, Mr. Chairman. I am delighted to be invited to join the narcotics panel as the Chairman of the Criminal Justice Subcommittee. Much of your work is used very directly by our committee in improving our Federal criminal code.

I am delighted that the Governor and the Mayor have joined us here today. I really am sorry I missed the Mayor's testimony, and I will study it carefully and read the transcript.

I don't have any questions. I am pleased to see this level of cooperation statewide and city-wide with this committee, and I hope that it will continue and improve. This hearing, as many of your hearings have been, is not just an important discussion about the subject, but may truly lead to the reorganization of effort and strategy that is necessary to reverse this crisis that we are in.

New York feels it more than anywhere else in the country, and for that reason I am here to learn and study the tactics that are being utilized.

I have been listening to you, Mr. Chairman, for quite a long time on this subject, and it is for that reason that whenever I can join this committee, I make it my business to do so. It is a pleasure to see the Mayor again.

Mr. Koch. A pleasure. Thank you.

Mr. Rangel. Mr. Mayor, thank you.

You have been talking with staff in connection with the project in terms of bringing the mayors together. They have a great deal of respect for your coordinator. If there are other conditions, we want to abide by those. We are prepared to give support. We think that it is as dramatic as your testimony has been, and that some good can come out of it.

We thank you very much.

Mr. Koch. Thank you.

Mr. Rangel. Our next panel, that will deal with the subject of education and treatment—is Judge Watson still with us? I just want to acknowledge his presence.

[Recess.]

Mr. Rangel. We will resume our hearing.

The committee and the Chair apologize to those witnesses, for those who heard and indeed participated with the earlier witnesses, recognize that the questions were much longer than we had thought. In order to make certain that we are able to adjourn to leave this courtroom, we are going to ask that we impose the five-minute rule.

What does that mean? It means that the witnesses will be asked to restrict their oral testimony to five minutes, with the understanding that your entire written testimony will appear in the record. And then the committee members will have the opportunity to submit to you questions that they may have; and then you will have 30 days to research those questions and respond.

I am sorry, but I guess when you have the personalities such as the Governor and the Mayor, we should have expected that this would happen. But please try to stay as close to the five-minute rule as you can. And we welcome you to the Select Narcotics Abuse Committee hearing.

Gordon Ambach, Commissioner of Education, we understand that you are leaving, and we understand the contribution that you make to the system while you are with us, and we hope that the legacy that you leave us will be embarking on a new and higher level of concern in the area that we are talking about today, for those that will be following you.

Thank you very much for testifying. Proceed as you may want.

## TESTIMONY OF GORDON AMBACH, COMMISSIONER OF EDUCATION, NEW YORK STATE

Mr. Ambach. Thank you very kindly, Mr. Chairman and members of the subcommittee, Senator D'Amato. I appreciate your very kind comment, and I would assure you that in the course of this year we will leave, and I will leave this office with our department, with the Board of Regents, having even a greater commitment than they have had on the very critical issues of drug education, and the elimination of drug abuse in our State.

I will follow your ground rules and speak for no more than five minutes. I have a few points that I would like to emphasize that are in the statement, but I think it is essential, Mr. Chairman and members of the committee, to connect these statements with some of the other comments made this morning.

I, too, add my commendation to you and to all the members of the subcommittee for convening a group which is intergovernmental. It is absolutely essential that Federal, State and local authorities work together to realize solutions; it is absolutely essential that the judicial system, the law enforcement system, education, other agencies and private concerns, draw together in order to realize resolutions.

We are dealing with the major crisis domestically in our State, and I believe in our country. It requires nothing less than a complete commitment, and nothing less than a complete educational commitment.

Congressman Weiss, just a moment ago, mentioned the fact that when there was the great anti-smoking campaign, it was not just an issue within the schools. It was a media campaign. It dealt with parents as well as with children. Nothing less than that will work with respect to the issue of eliminating Crack and eliminating drug abuse.

I came today with the intention, as I believe all have, that this is not a time to point fingers or to shake fists. This is, in fact, a time to reach out hands so that there is cooperation for purposes of getting better results. And my testimony recommends certain actions that should be taken.

I think it is essential for me, however, to comment on some of the points that have been made about the drug education programs in this city, and I comment particularly about the Governor's deviation from his written text. That written text, in fact, is a very cooperative statement; but, in his other comments, the Governor chose for one reason or another to trash the educational system of this State with respect to drug education. That is not an attack on the Regents or on the Department. That is, in fact, an attack on the teachers, who are in the UFT and NYSUT. It is an attack on the administrators. It is an attack on the school boards, and all other personnel in the State who have struggled to try to provide drug education programs and other education services.

Have we done everything that should have been done? Absolutely not. There is much yet to be accomplished. But I do not believe we are going to get there by way of that kind of criticism. We are going to get there by way of a commitment of resources.

Let me cite what the record is right at the present time by way of the commitment in the State to costs and expenditures for drug education. The fact of the matter is that at the State level, the Governor and the legislature now appropriate to our department the grand total of about $250,000 for purposes of materials and assisting in training or instruction of personnel in the schools—$250,000 only. That is the allocation for curriculum and materials.

The fact is that our department, which serves 3 million students in this State, has three persons who are allocated for health and drug education services. That is 1 million students per person.

We advanced to the 1986 state legislative session proposals that would have increased our capacity for training and for materials in drug education to the extent of $6.5 million. Mr. Chairman, I met with you, and I met with Congressman Scheuer and I met with Congressman Gilman, to discuss those particular requests. You were very, very supportive. You wrote to the legislative leaders and to the Governor back in March and urged that there be an appropriation for this purpose.

What happened? Nothing. There was not any appropriation in addition to what I have just described for purposes of drug education. Not a thing, to the Education Department. I cite this because it is very important to get clear where the money is going in our State by way of prevention and drug education.

As cited in the Governor's testimony, there is a Drug and Substance Abuse Agency—which my good colleague Julio handles—and I have nothing but respect for him. In that agency, there is between $16 million and $20 million a year in drug prevention and drug education programs. Contrast that with what I am talking about, less than a quarter of a million dollars, which is provided the Education Department for that purpose.

If you want to talk about accountability, in terms of where the money is and what is happening in the programs, then match where the money is and what is expected of it.

Am I criticizing that expenditure, $16.5 million or $17 million? Absolutely not. But let's not talk about accountability and let's not expect results in terms of monitoring, unless there is going to be a commitment of resources that comes to the Education Department for purposes of providing what you want and what I want.

That is why we asked the government and legislature for $6.5 million. That is why we are going back to that kind of money for this next year. That is exactly why, Mr. Chairman, we have strongly supported your bills, and the counterparts on the Senate side, which would allocate $300 million of Federal funds for drug education as absolutely essential in this and the years ahead.

We support that strongly, and we would put that together with State resources for purposes of making a difference.

Ours is a vast educational system, three million youngsters. We have got to reach every teacher. We have got to reach every student on the issue of drug education.

That doesn't come free. It comes only with direct expenditure. It comes, as you said, Senator D'Amato, by way of picking up the programs that work and expanding on them, picking up the programs that are cooperative between police departments and the schools, among drug abuse commissions and the school, in private agencies and the schools.

That is what works; it is absolutely essential that we put funds behind it.

One last historical note, if I might. During the 1960's there was a different kind of a drug epidemic. At that time Governor Rockefeller took the lead and appropriated $75 million in the years 1968 and 1969 for what was then called the Youthful Drug Abuse Program.

That was first targeted on treatment. I happen to have the privilege of working with Governor Rockefeller. I was in the Education

Department, but I worked with the governor and his colleagues and I, plus a couple of others, persuaded the Governor that most of the money should be shifted from treatment to education.

We ended up with $40 million that came to the Education Department and those funds were put into programs in New York City and the rest of the state for purposes of drug education.

The fiscal crisis in this state in the early part of the 1970's eroded that. What happened to the rest of it? It went out of the Education Department and it went to other agencies not in the Education Department.

What Julio will talk about today is, in fact, the residual of that program that was started in 1969. What I am trying to get at is this: that was $75 million in 1969--1969. What would be the value of that today?

Three, four times, probably as much. That is the order of magnitude of what must be done at the state level and what must be done at the Federal level for purposes of pulling together a commitment to drug education that I can assure you the Board of Regents and I are fully committed to and want to put in place I am certain it is true of the rest of the officials in New York State.

It is not just the issue of direct instruction on drugs which is important. As was pointed out early on by several of the members of the subcommittee, what is really at stake here is making sure that our children have the kind of values, which are a values of a drug-free society, which, in fact, rejects the use of Crack or other drugs because there is a different lifestyle.

You cannot build that any other way than to build that through a major commitment to the education system.

Thank you very kindly.

[The prepared statement of Gordon Ambach appears on p. 155.]

Mr. RANGEL. Senator D'Amato has to leave. With the consent of my members, I would ask that he will be allowed to inquire out of order, and then we will receive the rest of the testimony.

Senator D'AMATO. Thank you, Mr. Chairman.

Commissioner, let me thank you for your candor. I think you underscore something the governor said that really we do not have a drug education program in our public schools.

Two hundred fifty thousand dollars and three people in terms of resources cannot really be classified as an education program.

Having said that, it would seem to me that even without specifically there being designated dollar resources for this, that the kinds of programs, the in-training service programs, the utilization of the successful programs—for example, that which exists in the city—can begin to be carried out.

We are not talking about simply a matter of dollars and that we do have on the books laws that require that there be these educational programs.

I do not quarrel with the observation that to have a program simply in the school districts will suffice and will win the battle.

I understand that. Commissioner, I have to say to you that notwithstanding that there may not be a specific dollar allocation, that I believe there is a lot that can be done.

We are talking about a $6 billion education complex. So, within that area and notwithstanding that you may be leaving at a particular point in time, I think the business of addressing that—that should be undertaken.

Do you have any comment with respect to that?

Mr. AMBACH. May I ask you something?

Senator D'AMATO. Look, you still have a law on the books that requires that there be education that is provided as it relates to drugs and drug education, drug prevention.

To simply now say I only have $250,000 specifically for this that may be used, let's say in materials, etc., seems to me does not eliminate the necessity of carrying out that mandate.

Mr. AMBACH. Of course it doesn't, Senator.

Senator D'AMATO. What are we doing to see to it, for example, with the various superintendents at all levels saying, "Hey, listen, notwithstanding we may not have provided you with additional funds, what are you doing?"

Mr. AMBACH. I am pleased to respond to that. I tried to curtail my remarks to stay within the five minute frame that the Chairman had asked about.

I am trying to point out that what we do by way of monitoring with those three persons and with the assistance that we have of them and the funds in the Department is, of course, precisely what you would want us to do with the superintendents. That is to monitor, to assure that programs are in place.

We have a registration program. We have other programs through which we visit in the schools. To the best of our capacity, we are checking on whether they do, in fact, have their drug education programs in place.

We have extensive materials which have been provided and thousands and thousands and hundreds and hundreds of thousands of copies.

That we will continue to do. It is the monitoring aspect that you are speaking about which is the most important thing——

Senator D'AMATO. Commissioner, let me be so bold and presumptuous as to suggest to you that you have hundreds and hundreds of people who could be detailed at specific times, notwithstanding that there is not a specific allocation in the budget that you could assign to see to it that there is a meaningful education program in every single school district in this state.

Mr. AMBACH. I wish that were true.

Senator D'AMATO. You mean to tell me everybody up there in Albany is so overwhelmed and overworked in the Education Department that you have to rely on three people; that you yourself don't have time to go out and call the superintendents together or go on in and assign that to some of your assistants and your deputies, that you are dependent on three people?

Mr. AMBACH. That is not what I said.

Senator D'AMATO. It seems that is what you are attempting to say to this panel.

Mr. AMBACH. I told you, Senator, what we do is review through our registration program and other visits.

We review the entire school program, including the health and drug education program.

Senator D'AMATO. Let me say it in a very quiet way, Commissioner.

Mr. AMBACH. Surely.

Senator D'AMATO. This state has literally no education programs in our school districts and where we find them, they are the exception, and where they are really doing their job they are the exception.

Now, that is a fact. You don't have meaningful programs starting in the elementary grades, working through, and you and I know that when you start in the junior high schools and the high school levels, in many cases it is too late.

Get a hold of Ben Ward. Have you seen his program yourself?

Mr. AMBACH. Of course, sir.

Senator D'AMATO. Have you yourself seen the program?

Mr. AMBACH. Yes, I have.

Senator D'AMATO. Okay.

It would seem to me as the educational leader of this state it wouldn't be such a difficult thing to begin to task these responsibilities on a voluntary basis with school districts throughout the state, all of them.

To say I need more money, we always need more money. But within the billions of dollars that are allocated, and with the fact that the law prescribes that there be this program, and in many areas they are not this program, this be undertaken.

I just make that as an observation and I thank the Chairman for rising to the situation, because I know that were it not for Congressman Rangel and this committee and the leadership provided by the ranking member, Congressman Gilman, there are many activities that, hopefully, begin to bring together a mobilization of all of our efforts, particularly on the Federal level, particularly on the interdiction, particularly as it relates to Bolivia, that the chances are that they would never have come about.

I thank you for your leadership, Mr. Congressman, on behalf of a grateful America. Because you have been fighting a lonely battle for many, many years to create the public consciousness and awareness that, hopefully, may bring together all of the forces and the redirection of our priorities and our interests on a total level, including the private sector.

Thank you for inviting me and giving me this occasion to be here with you.

Mr. RANGEL. On behalf of the Select Committee, we thank you for the courageous support you have given us since you have been in the Senate and coordinating the other body and willing to take the risk to make certain that we focus attention on what you and I know is a national security question.

You add credibility and prestige by joining with us. At this time, the Chair would like to acknowledge that we are the host of the Federal judge, judicial system, and we do have in this courtroom three of our hosts, the Honorable James Watson, who is just one heck of an outstanding community person and one of the best jurists that we have in the system and a very dear and old friend.

We thank him for being here. A newer member but an old friend, Nicholas Tsoucalas, who served well in the community as an attorney on the state court and now recently appointed to the Federal court system, and of course, Dominic DiCarlo, not only an old friend to us, who worked so well as Assistant Secretary of State as Relate to International Drug Affairs, but an old colleague of Ben Gilman and I in the New York State Assembly.

We offer our condolences for the recent tragedy which you have suffered. We thank all of you for joining us today.

The Senator has to leave, and I would like to see the gentlemen. I ask you, Frank, whether you would take the Chair for a couple of minutes.

[The prepared statement of Senator D'Amato appears on p. 164.]

Mr. GUARINI. [Presiding.] Are there any questions that the panel wants to ask Mr. Ambach?

We will go through the panel first.

Mr. Charles I. Schonhaut, Deputy Chancellor of the New York City School System, we welcome you, sir, and would appreciate it if you would begin your remarks.

## TESTIMONY OF CHARLES I. SCHONHAUT, DEPUTY CHANCELLOR, NEW YORK CITY SCHOOLS

Mr. SCHONHAUT. Thank you very much, Mr. Chairman. Thank you for inviting us.

I think I can just echo what Commissioner Ambach and other witnesses have said, that this committee has shown leadership in an area that cries for attention and cries for action. As you requested, I am not going to—I am going to try to confine myself to about five minutes, and I am just going to highlight some of the things that are in my written statement.

As of two years ago, in a survey in our schools, we found that about 16 percent of our children in grades 7 through 12 had already experienced the use of cocaine. We expect that with Crack those figures have gone up.

We have been fighting the problem of drugs in the school system since the time that the Commissioner mentioned, back in the 1960's and the early 1970's.

We have had drug and alcohol abuse and prevention and intervention programs. When we first started we used scare techniques. We used to bring in ex-addicts. We used to show films of the horrors of the use of drugs, and that didn't work too well.

In educating children regarding the use of drugs, we have found it to be an extremely complex, time consuming and a costly problem to address.

The Commissioner mentioned values and life styles. What we have to teach children is there is another way in which they can solve problems other than taking Crack, alcohol or some other drugs. That is a very difficult thing in today's society.

The institutions that we have always depended upon have changed. The family is not what it used to be. The churches, the synagogues, are not what they used to be in terms of the influences on children's lives.

Therefore, the school system, in dealing with this problem, has to do something about teaching children another way to address their problems.

In our 32 community school districts and in our high schools, we serviced over 150,000 children in our programs in 1985-86.

In our drug and alcohol prevention programs, we have also, as Senator D'Amato mentioned, instituted a joint program with the police department which is the School Program to Educate and Control Drug Abuse. It is called SPECDA. SPECDA has been instituted in grades five and six.

I wish we had the funds and the means to implement the SPECDA Program in the lower grades. Sometimes I feel that grades five and six—I am not talking about 10-year-olds—is too late.

It is so difficult for somebody who has spent his time in a school system with children to say that 10-year-olds may be already in danger of abusing drugs—and it really hurts. We are talking about small children who are now exposed to this.

In SPECDA, in the program with the police department, we have a drug counselor, and a police officer who talk to children and work with children in terms of giving them information and finding other ways in which they can address their problems. They also try to convince kids that it is not the right thing to do. It is not stylish and it is not the modern thing to do in terms of what they see and hear in the streets.

We have had good evaluations on our program, both on the substance abuse programs and on our SPECDA program.

We have helped thousands and thousands of kids. In terms of cost, we spend $51.90 per capita, per child, on school based drug prevention programs compared to about $2,100 a year for a treatment program such as Phoenix House and compared to our $30,600 a year for incarcerated criminals involved in drug activities.

There is no question that we could use more money. In 1971, when Governor Rockefeller first undertook the funding of youthful drug abuser programs, New York City programs received $18.6 million in funding.

Today, 15 years later, we get, not from the State Education Department but from Mr. Martinez's program, $15.5 million, and that change in funding, including the cost of inflation, has reduced the number of drug prevention counselors that we have in school from 1,200 in 1971 to 520 drug counselors in 1986.

I am talking about counselors, not teachers, because to address this problem you have to go deeper than just giving information.

Mr. **Martinez**. Could you correct that figure, please? Correct that figure.

Mr. **Schonhaut**. We have more than 175.

Mr. **Martinez**. The correct figure is 18.2.

Mr. **Lilly**. That is statewide, not city.

Mr. **Martinez**. Eighteen point two, New York City; 1.4, Long Island; 2.3, upstate.

Don't dispute my figures, buddy. I am good with them. Double check your figures.

Mr. **Lilly**. For New York City.

Mr. **Martinez**. Do your homework. That is why I have this job.

Mr. **Schonhaut**. In 1971 we got $18.6 million or whatever the money was worth then and now we get $15.5 from the State and $2.7 million from the City of New York.

Mr. **Guarini**. Mr. Schonhaut, you are testifying and I assume you will give your impression, and we will have others. Mr. Martinez will give his impression and correct anything he wishes to later.

Mr. **Schonhaut**. Mr. Chairman, I don't think the $.6 million makes a difference in what I am trying to say.

Mr. **Guarini**. Finish your testimony, and you will be uninterrupted.

Mr. **Schonhaut**. Yes.

So, we have now about 520 counselors compared to 1,200 that we had in 1971. I think that is the comparison that I wanted to make.

We think the Federal Government has to do something on this problem. We agree that it is a Federal problem, and we welcome whatever the committee can do to help us address this problem.

The Federal Government has given us some support. I have to tell you that they did give us a comic book called "The New Teen Titans" for distribution in the fourth and fifth grades, and that is the sum total of their help.

We think that the Federal Government has to do more. We think that the state government has to do more, and we think that this is a problem that so affects our society, so affects our kids, that it is only through the kinds of things that I heard today, every mayor, every governor, every Congress person, every Senator, ought to do something about this problem.

Thank you.

Mr. **Guarini**. Thank you.

[The prepared statement of Charles I. Schonhaut appears on p. 166.]

Mr. **Guarini**. Mr. Julio Martinez, the Director of the New York State Division of Substance Abuse Services. It is good to have you before our committee again. I remember your testimony previously. We welcome you.

## TESTIMONY OF JULIO MARTINEZ, DIRECTOR, NEW YORK STATE DIVISION OF SUBSTANCE ABUSE SERVICES

Mr. **Martinez**. I am going to spare everyone a speech for the simple reason that everybody's stomach is growling, so I will make it quick, short, and to the point.

You requested a while back they model an idea of how you can address a meeting that you would be having.

Mr. **Guarini**. Could you speak closer to the mike?

Mr. **Martinez**. You raised the point that you would be meeting with Mr. Meese. I would like to offer you a plan that was submitted by myself back in 1981, and it is well written. It looks almost like a Puerto Rican stew, because that is the way the Federal Government looks to me when we get to the city and to the state, but I think it will give you some type of direction.

Mr. **Guarini**. Thank you. Do you wish to explain this or have it made part of the record?

Mr. **Martinez**. You can make it part of the record. It would be too long and too lengthy to explain it.

[The information is in the committee files.]

Mr. **Martinez**. As far as we are concerned in New York State, we give approximately to the City of New York total funding to the tune of $18.2 million. That is basically for approximately 32 New

York school districts and also New York City high schools, the arch diocese of New York, the diocese of Brooklyn, and some Hebrew day schools that we fund.

Is there more money that is needed? I would be the first one to totally admit that, yes, we do need more money. We get roughly about $9 million from the Federal Government. I think this is really a drop in the bucket when we talk about education. The Federal Government should match what the state is putting up.

A while back, Congressman Gilman raised the question—and there has been some confusion because my agency is totally different than Mr. Gordon Ambach. Gordon Ambach, the State Department of Education, his jurisdiction is totally different than mine. I feel we, within the Division, the New York State Division of Substance Abuse, have done everything that is humanly possible.

When you look at the total funding statewide for treatment, prevention, education, New York State puts up approximately about $98 million in comparison to $19 million that the Federal Government puts up, and in the last seven and a half to eight years—I am talking about countrywide now—the programs have lost close to $48 million in Federal reductions, and I want to be candid here with you who are sitting here.

There are program people here. Given Gramm-Rudman, we see more reductions. I am not looking for it, but I see us cutting back, cutting more programs, and what we have been doing within the state is trying to make up a lot of those Federal cuts. And I get criticized and I am told by some of my colleagues here the State of New York needs to do more.

I put it very simply. I have said this publicly. The State of New York is doing their fair share. The City has to put up some money. The Federal Government has to put up some money. The local counties are going to have to put up some money. They cannot rely on the State of New York to pick up all of their problems. They just can't. Case in point.

Again, people say, "Don't finger point," but we have to put the facts on the table. When this city went through the fiscal crisis they had roughly about $8 million in funding for drug abuse in New York City.

We don't have that today. I, through the good graces of the former governor, absorbed those cuts. Until today we have not gotten the city to at least come up with a match, and we keep saying that we are all in this together, but we can't all be in this together just talking.

We have to be all in this together financially by giving the support.

Now, Gordon, with all due respect to you, I consider you a friend, but I must defend my boss. The Governor gave you $2 billion, and yet you chose not to mention that. I understand there is some difficulties there, but I think my boss has been very generous to you, and I have got to say that for the record. He did give you $2 million.

Let me just add that, I think we have the finest programs. We have people coming from all over the country to visit them. Our programs are second to none in N.Y. state and the country!

All I am saying, the Governor announced a $10 million program to increase funding to New York states' prevention, education, and treatment network.

I am going to ask the Federal Government, which is cheap: to match it. Match those $10 million.

Thank you.

Mr. GUARINI. Thank you, Mr. Martinez.

[The prepared statement of Mr. Martinez appears on p. 178.]

Mr. GUARINI. Mr. William Hopkins. We welcome you, sir.

## TESTIMONY OF WILLIAM HOPKINS, SUPERVISOR, STREET RESEARCH UNIT, NEW YORK STATE DIVISION OF SUBSTANCE ABUSE SERVICES

Mr. HOPKINS. Thank you, sir. I believe I have been invited here because of my unique position as supervising the Street Research Unit, which is something that Mr. Martinez created seven years ago, because he wanted to know what was going on in the streets of the city and the state.

Most of my time is spent out in the street supervising this group of persons who spend seven and a half hours a day dealing with addicts.

I spend a great deal of time debriefing these people, and I spend a great deal of time in base houses with them watching people smoke Crack, talking to them, interviewing them, and trying to find out why and what is really going on.

We are the first line state troops out there learning what is going on. We have also done non-random studies on approximately 250 people.

The majority of them are current Crack smokers. And everything that we have learned leads to the fact that people out there using Crack are getting younger and younger, and the Crack problem itself is getting worse.

I heard one of the members of your panel today state that one gram of cocaine deals 20 rocks. That is basically correct, but just three days ago I was in a base house, and I saw the person convert a gram of cocaine into about 30 rocks, and he was able to do it because now they are mixing their cocaine with things like yeast, which makes it look larger, with vitamin B-12 to give it color and flavor, and with speed to increase the high.

I think the panel needs to know how rapidly the situation is changing and developing and involving young children. They are also mixing it with formaldehyde.

They are putting it into cigarettes, and that was mentioned earlier.

It was not mentioned, however, that it is given to women to turn them on sexually. It was not mentioned cigarettes given to young children to entice them. Young children are also being given free samples of Crack to get them involved in the use of it.

Also, these vials they are selling it in they are now getting five cent deposit. What I am trying to get across is at the street level we are able to learn exactly what is going on.

You also need to know, perhaps, or would want to know, that they are now developing their own terminology and they are dealing with things related to space and space programs, words like "I am being beamed up"; "I am in the third dimension"; a "space machine" is the pipe that they smoke it in.

What we see happening out there is a rapid change of this Crack, growing in terms of numbers of users and involving younger and younger users.

I think the thing that personally concerns me the most, perhaps, in the last nine years I have not been able to devote the time to my job which I feel I should have.

I say this with all due respect, but my boss, Julio Martinez, doesn't have mercy. He is one of these people who says, "I need you. Go."

He will call me and say, "Assemblyman so-and-so is having a rally. Bill, I need you out there."

"I have got two appointments."

"Get out there anyway. Now you have three appointments."

Day before yesterday I had five or six scheduled.

What we are trying to do is fulfill part of that state's plan which is to involve community. What happens, I find myself going all over the state doing all kinds of things—meeting with community people, trying to get groups organized, up in Syracuse, up in Albany, all over the state trying to meet with people to get part of the state's plan across, getting communities involved.

I have been at several rallies with members of the panel here and got several more to go to. I think what is really happening is I find myself—and I am sure I am not the only one in our agency who is overworked—trying to make sure that the community knows what is going on and get the community involved.

I have to add that we work very, very closely with the school drug coordinators, with the police department, with the legislators, with the clergy, with probation, with correction, and many others trying to get them to work together with us, and we get excellent cooperation there.

So, what I would like to see, if it is at all possible, is more staff or somebody to help me do the kind of job I am doing.

Basically now, what I am doing is training trainers.

Thank you.

[The prepared statement of Mr. Hopkins appears on p. 183.]

Mr. GUARINI. Thank you, Mr. Hopkins.

Dr. Lillian Glogau.

Mr. GILMAN. If the gentleman would yield, I would like to just welcome Dr. Glogau, who comes from my own region and who has had 30 years of experience in school administration and has volunteered to be here today for some of her thoughts on this issue.

We would like to especially welcome her to this panel.

Ms. GLOGAU. Thank you, Ben.

Mr. GUARINI. Ms. Glogau, you may proceed.

## TESTIMONY OF LILLIAN GLOGAU, RETIRED ELEMENTARY PRINCIPAL

Ms. GLOGAU. Thank you, Mr. Chairman.

For 30 years as an educational administrator I have watched very sweet, delightful young children coming to school, eager to succeed.

Too often now in the past few years I have watched some of these children fall by the wayside. Today, youngsters who are the product of mothers on drugs during conception and parturition are babies at risk, youngsters not ready to learn or grow along side their peers.

Add to these the youngsters who "do" drugs themselves and we are beginning to sense the enormity of the problem in the schools.

DEA Research tells us that twelve and a half years is the mean age of children who begin to take drugs in one form or another.

Certainly it is self-evident that it would be wise to begin education to reduce drug demand at the tender age of five or six at the very latest.

It would mean a stronger and better implemented kindergarten through six grade health education program which should include substantive drug abuse and prevention programs in all our schools and at every grade level, counselors and teachers carefully trained to provide this critical instruction.

The Federal Government in collegial relationships with states and local districts should certainly serve as a resource so that model, exemplary programs, statistics and data can be shared with every school district.

Regional drug prevention councils which have been mentioned over and over again should certainly consist of two additional groups that we don't seem to include, and that would be pediatricians and obstetricians, because they have much to offer us.

There should be, as the gentlemen at the table have expressed already, realistic examination periodically of what is really happening on the scene.

Drug education programs designed to reduce demand will have to present grim statistics and facts to the young. Experiments showing rats and monkeys so frenzied by their cocaine habit that they starve themselves to death and will never stop drug intake long enough to eat are valid, albeit tough, examples for discussion.

Young children need to see the human carnage that drug addiction creates.

There is a very effective project offered by the state, not drug related at all, called Kids on the Block, which sensitizes children to disabled children. It utilizes young talented actresses and actors, two and four to each unit, who operate Japanese style Bunraku, half life-size puppets.

These charming puppets come into the school and interact directly with the children in the most amazing and wondrous ways. We would like to utilize the concept of Bunraku-like puppets as continuity characters in plays in addition to formal instruction in the drug program.

Our Gang like these continuity characters should be introduced, as has been said over and over again this morning, on 30- to 60-second t.v. commercial spots, the most ideal place being Saturday a.m. cartoon time.

Children should become so familiar with these anti-drug figures "Bumper and His Friends" by name from this t.v. exposure they would look forward to the once a year visit to their school eagerly.

It would take 300 puppeteer teams to reach each elementary school in our country. It goes without saying that pilot regions might very well be a first step.

A drug education program of this dimension would require the combined resources of the private sector and government on every level.

The DEA Demand Reduction Unit teaches say, "Say No, it is your decision." Is this not an appropriate response to teach the very young? We need to raise consciousness.

Let's turn our children on to how good and wonderful our lives are. Why throw them away? In the last ten years we have watched a revolution in America. At a party we hear John say, "No, I can't have another drink tonight. I am the designated driver."

Our DWI programs are beginning to work. Young children get into cars and buckle up automatically. It is the older generation which is still resisting. Our safety belt programs are beginning to work.

A little boy, as was alluded to by the Congressman before, says to his mother, "Don't smoke that cigarette, Mom. It's not good for you."

Our anti-smoking campaigns are beginning to work.

Did you know that we have gone from a glamorous sophisticated image of cigarette smoking to a time where it is now considered impolite, rude, if you will, to offer anyone a cigarette?

Surely we can do the same with drug demand reduction. Surely we can raise the consciousness of America's children so that in five years or less, we can hear a little girl say, "Daddy, did the doctor tell you to take that pill?" because that is where it all begins, in the medicine cabinet.

Surely we must! Thank you.

Mr. GUARINI. Thank you very much, Doctor.

[The prepared statement of Lillian Glogau appears on p. 190.]

Mr. GUARINI. Mr. Chairman?

Mr. RANGEL. Thank you.

Commissioner Ambach, I like the spirit in which you opened your testimony, indicating that we are not here to point fingers but to extend a hand. But you have to appreciate that there is a high level of frustration that is involved here, and certainly we are criticized as members of Congress.

We accept it, because people should be expecting law from their Federal Government. We have a problem. We have, as a national policy, as enunciated by the Secretary of Education, that there will not be any federally mandated programs.

It is clear that Congress has not been able to override the President and his Administration in getting more than $3 million out of $18 billion even directed at it.

As a matter of fact, I have just participated in a theatrical exchange with my mayor to host mayors to come here in order to make an appeal to our government, so all of this is in frustration.

Can you imagine how we feel, with all of your many, many years of experience and the contributions that you have made to the education system, as frightened as we are with this epidemic—you know, we don't feel this way about Julio Martinez. He is dealing with people who have made mistakes and they have got long lines, and he is dealing with the most unpopular clientele that you could possibly have in any society, records, police records, and all this.

But here, the precious commodity, the virgin child, the one that we are depending that perhaps can be saved—not rehabilitated, saved—we find that a quarter of a million dollars, at most, and three consultants are all we have in the City of New York.

Now, I don't know what the governor had said that may be interpreted as being negative. I understand him to say that we have the laws on the books, but they are worthless because we don't implement them, and I am trying to ask this question without being negative, but why, when you were rejected, you plea to the state legislature, your plea to the governor, why when they were saying that you are not going to get the money to educate our children, did not all of the citizens from our community hear from you or your designees in saying this is wrong?

Mr. **Ambach**. Why was there no specific public statement at that point?

Mr. **Rangel**. To put it mildly, yes.

Mr. **Ambach**. There were public statements that I made at that time which had to do with the full range of our budget.

Mr. **Rangel**. No, let me try to focus in one what some of us say is a more serious crisis than communism. I say it is serious. Other people think it is dramatic, but others say it is more serious than terrorism, and we have already bombed a country senseless.

So, here we are saying that we have no Federal program at all, and the empire state now, with billions of dollars—what is the educational budget?

Mr. **Ambach**. The aggregate for the state budget for education?

Mr. **Rangel**. Yes.

Mr. **Ambach**. Is now about $7.5 billion.

Mr. **Rangel**. Seven point five billion dollars. What fraction of that is designated for drug prevention?

Mr. **Ambach**. Explicitly for drug prevention?

Mr. **Rangel**. Yes.

Mr. **Ambach**. The figure I have just given you is local assistance. That is the $7.5 billion. In our state, the legislature and the governor do not earmark parts of that $7.5 explicitly for specific subjects such as alcohol and drug and education, so there is no single earmarking for local assistance for drug education.

He may wish he had control, but he doesn't.

Mr. **Rangel**. He says it is you that are in charge of education.

Mr. **Ambach**. Let me continue to answer your question.

The funding that you are speaking to in education in the New York State is appropriated very explicitly, very much line by line, by our state legislature and the governor.

Now, there are lots of earmarks of funding in that. For example, there is funding for children with handicapping conditions. There is funding for gifted and talented programs. There is funding for bilingual education and so on, but I am saying to you that in that totality there is not an explicit earmark of funding for drugs and health education.

Mr. RANGEL. Why not?

Mr. AMBACH. The legislature has chosen not to do. I have advanced to you what we recommend to you by way——

Mr. RANGEL. I am saying why was not your voice heard loud and clear that this is being done at the expense of exposing our kids to the tragedy of narcotics convictions.

Mr. AMBACH. Perhaps, Congressman, it is my fault that the voice wasn't raised louder. The voice was raised by way of our budget request and it was raised by way of not only this piece by other parts which were not——

Mr. RANGEL. But I say to you——

Mr. AMBACH. But the fact of the matter is that I don't make the appropriations. The appropriations are made by the legislature and the governor, and the fact of the matter is, as I have repeated over and over again this morning, even with your good assistance and that of your colleagues and advocacies back in March it didn't happen this past round.

Now, we can bemoan that I agree with you. The critical thing is, what do we do about making sure it happens the next round?

Mr. GILMAN. Will the gentleman yield?

Mr. RANGEL. Yes.

Mr. GILMAN. Commissioner Ambach, I don't understand one thing. When you came before our committee——

Mr. AMBACH. Yes.

Mr. GILMAN. Certainly months ago you said that you would have a fund of $130,000 for drug education.

Mr. AMBACH. Correct.

Mr. GILMAN. And when we discussed it you said you would go back and try to get more money, and then we had a report that you got it up to $210,000.

Mr. AMBACH. That is correct.

Mr. GILMAN. But you are telling us now that there isn't any line allocation. I am a bit confused now. What was the allocation received? Is that a line item in the budget? What are we discussing?

If there is a fund, how do you get that fund if it is not a line item in the budget?

Mr. AMBACH. Congressman, there are two different parts to the state budget. One is the local assistance part. Congressman Rangel's question just a moment or two ago about the total of the money for the budget, related to what funds are earmarked for the local schools for purposes of——

Mr. GILMAN. I think that——

Mr. AMBACH. Could I finish?

Mr. GILMAN. To save time, what we would like to know is how do you get your $170,000?

Mr. AMBACH. We get that by an explicit approval of a certain number of positions that we have and an explicit line item approval of certain money for travel and certain money for expenses, and for creating instructional materials that go with it. This is "state purpose" money.

Mr. GILMAN. Is that based upon your request?

Mr. AMBACH. It is based upon our recommendation, but when it comes it comes explicitly for that purpose.

Mr. GILMAN. What was your recommendation to the legislature? What was your top recommendation for drug education?

Mr. AMBACH. The recommendations that we made for this purpose for the instructional and materials section was approximately 350 in this year.

Mr. GILMAN. Three hundred fifty thousand?

Mr. AMBACH. Three hundred fifty thousand, that is correct, which would have advanced what we got even this past year.

Mr. GILMAN. Is all of that used for drug education, or is that health education and only a portion of it allocated for——

Mr. AMBACH. It is a combination.

Mr. GILMAN. It is for all health education.

Mr. AMBACH. Health and drug education.

Mr. GILMAN. So then, only a portion of the $170,000 out of the $6 billion budget is allocated for drug education.

Mr. RANGEL. Seven point twenty-five billion.

Mr. GILMAN. Of the $7.25 billion is allocated for drug education, is that correct?

Mr. AMBACH. Explicitly for materials, instructions, and the personnel we have in the department; that is correct.

Mr. RANGEL. We think that is tragic.

Mr. AMBACH. So do I. That is why I have been advancing to you that we had asked for considerably more, and have year in and year out for the last 20 years.

Mr. RANGEL. I thought you said you asked for $350,000.

Mr. AMBACH. This year, that is correct.

Mr. RANGEL. I think that is lousy.

Mr. AMBACH. I do, too.

Mr. RANGEL. Three hundred fifty thousand dollars.

Mr. AMBACH. I do, too.

Mr. RANGEL. Why did you ask for just $350,000?

Mr. AMBACH. Because the ground rules for the state budget, which my colleague can describe to you, this past year—were that wherever, in fact, were are going to ask for an increase, you have got to ask for a counterpart decrease someplace else.

We are on a very, very tight leash for budget.

Mr. RANGEL. Maybe the problem is that I am too political and you are just too professional, but I see the population of our kids really getting caught in a cross fire.

I am telling you as a part of the cross fire, I am telling the kids, not to expect anything from the Federal Government, because they believe it is a local problem.

Then I go to my governor, and he says, "Don't expect anything from me, because under our state constitution I am not in charge of education, but Ambach is."

And I come to you and you say, "Well, I am in charge of education but don't expect anything from me, because not only can I not legislate and appropriate the money, but I can't even ask for it because I am under ground rules by the governor not to ask for the money."

Now, somewhere along the line the kids really—I mean, I can't believe this.

Mr. AMBACH. Can I trace it back through? I would like to just trace back through what you just said.

Mr. RANGEL. Sure.

Mr. AMBACH. As you have advanced to the Federal level, of course, the Federal level can provide funding for drug education. You have got a bill in which would provide $100 million a year for that purpose.

Aside from what Mr. Bennett might say about whether it should be earmarked or whether they should control what the curriculum is——

Mr. RANGEL. Listen, I personally take the blame for not having Federal dollars for education, so you set that aside.

Mr. AMBACH. I am not suggesting that, sir. You have done everything you could.

Mr. RANGEL. It is all right. I do that because I wanted to set it aside, but the truth is that with all the problems I have with the Administration on the question of education and not on housing, not on health and not on drugs, but on education—I think there is a persuasive argument that education is the state function.

Mr. AMBACH. Yes, and also——

Mr. RANGEL. Having said that——

Mr. AMBACH. And this is always a persuasive argument, that it is a Federal function, which is precisely why you advance that program.

Mr. RANGEL. I don't know. I don't want to argue with you about that.

I do really think that if we are talking about separation of responsibilities, that when you get down to education, that the government can make a more persuasive argument that the states have the responsibility historically, but that is not my case.

My case is, with $7.5 billion out there, you were supposed to retrace for me why the governor says that he is not responsible for education and why you say that you are locked into the governor's standards that you can't even ask for money for education—I mean, for drug education for the kids.

Mr. AMBACH. Seven point five billion dollars which is available for the local schools does not have an earmarking for drug or health education, but the school systems indeed use part of that money.

Mr. RANGEL. I am talking about leadership and directing so you go to sleep at night and you say, "Look, an epidemic is hitting my state. Thank God I was able to highlight the crisis."

Mr. AMBACH. Right.

Mr. RANGEL. And not something out there to those kids, that you didn't pass it off to the superintendent of schools or to the principals or to the teachers.

You say, "Listen, I am in charge of the state. You take our money. This is a crisis. This is what I want you to do."

Mr. AMBACH. Right.

Mr. RANGEL. Addicts can't learn. My business is making certain that the resources are there.

Now, all I am saying—and I don't want to say it in a negative way—is that if not your voice, whose voice? I mean, who should we speak that would be raising hell with the governor, raising hell with the state legislatures?

What kind of restriction is it that you can't ask for money to be earmarked unless you do what? Why is it you say you can't ask for money for drug education for more than $350,000 out of a $7.5 billion education budget?

Why is it you can't ask for more?

Mr. **Ambach**. I started just a moment ago—and forgive me, because state budgeting is rather complex, like Federal Government budgeting is.

You have a local assistance account and you have a state operations account. I was trying to come back to comment on the local assistance account, where the money is not explicitly earmarked to be used for drug or health education, but, in fact, the school districts then chose to do that, and they have a compulsion to do it.

They have a requirement to put programs in place for drug and health education.

Now, if we go over to the state operations side of the budget. That is where the money which Congressman Gilman and you have been talking about by way of our own instructional materials, and where our personnel is involved.

What I have said, I repeat. On that part we are in a zero sum state this past budgeting cycle. If we increased any part, we had to decrease a comparable or another part at a comparable level, is a part of the submission to be made. These were the instructions of state budgeting.

Mr. **Gilman**. Will the gentleman yield?

Mr. **Ambach**. Even with that we increased the funds, and I come back to the point—modest increases, yes, indeed, but they were increases, and what hurt most is that those increases were not provided for us.

Mr. **Gilman**. Will the gentleman yield?

Mr. **Ambach**. We are going right back for it.

Mr. **Gilman**. Mr. Ambach, did your budget increase this year over last year's state education budget ?

Mr. **Ambach**. The state local assistance has increased.

Mr. **Gilman**. By how much?

Mr. **Ambach**. By how much? It has increased in school aid by something on the magnitude of $650 million.

Mr. **Gilman**. So, you had an increase——

Mr. **Ambach**. Total.

Mr. **Gilman** [continuing]. In the school budget of $650 million this year over last year?

Mr. **Ambach**. Local assistance. That is in this coming year.

Mr. **Gilman**. In your budget increase there is no way of allocating additional funds for drug education, even though the legislature didn't provide for it?

Mr. **Ambach**. If the school districts choose to increase their funding that is committed to drug and health education within that money, they are encouraged to do so, and they may do so, but there are not requirements explicitly on the use of that fund.

Mr. **Rangel**. Do you think that should be a requirement?

Mr. **Ambach**. Pardon?

Mr. **Rangel**. Do you think that there should be a requirement that they do so?

Mr. **Ambach**. Yes.

Mr. RANGEL. What have you done to indicate that you think there should be a requirement?

Mr. AMBACH. I recited earlier that in a period of some 20 years back we had very substantial programs. In the early part of the 1970's, many then went away. We have advocated all the way along that there should be resumption.

Mr. RANGEL. In other words, besides getting me to write a letter to the state legislature, what effort has been made to get these ideas that you support across to the state legislature?

Mr. AMBACH. Our advocacy by way of our documents, our personal representations, appearances.

Mr. RANGEL. Who do you give these documents to?

Mr. AMBACH. We give them to all of the members of the legislature, but, of course, we concentrate on Ways and Means Committee, Senate Finance, and the substantive committees that deal with elementary or higher education.

Mr. RANGEL. You send letters and documents advocating that more money be appropriated specifically for drug prevention education?

Mr. AMBACH. Yes, indeed.

Mr. GILMAN. Thank you, Mr. Chairman.

Isn't it true that since 1983 you have about a $2 billion increase in the state education budget?

Mr. AMBACH. In the 1984, 1985, and 1986 years we had extremely good increases that were gained in the state education local assistance budget.

That is the money to the school districts, none of which——

Mr. GILMAN. There has been no increase in your own funding for your department to develop programs such as drug education?

Mr. AMBACH. In the areas of health and drug education, it has been, I believe, just about a flat line through that period.

I would have to look exactly at the dollars, but we are talking about relatively flat line during that period.

Mr. GILMAN. Do you want to add something, Mr. Martinez?

Mr. MARTINEZ. I just wanted to say with all due respect to the Chair, New York State—I am talking about my agency and not the rest of the agencies—is committed. We are doing a fine job. We are putting our money where our mouth is. I don't see that from the city nor from the feds. May I please be excused?

Mr. GILMAN. I think we are doing one hell of a job.

Mr. Martinez, before you leave, I note in your testimony you say you are supporting the state educational effort. How is your agency supportive of the state education effort?

Mr. MARTINEZ. He is an island unto himself, sir.

Mr. GILMAN. Yes, but you, within your own testimony, say that you are providing some funds to support education.

Mr. MARTINEZ. New York State.

Mr. GILMAN. "An expansion of school-based substance abuse prevention programs throughout the state."

Mr. MARTINEZ. That is him, the archdiocese, Hebrew day schools. We do one hell of a job, I tell you, Congressman Gilman. We are giving to at least 250 local school districts across the state, money.

Mr. GILMAN. Do you work with the education——

Mr. MARTINEZ. He is an island unto himself.

Mr. AMBACH. Wait just a minute. Of course, there are cooperative projects.

Mr. MARTINEZ. We cooperate, but what I am saying, Gordon——

Mr. AMBACH. Tell him how many people you have got who are working in New York City in contrast to the three I have for the whole state.

Mr. MARTINEZ. How many people I have?

Mr. AMBACH. Yes.

Mr. MARTINEZ. I am glad that you asked. I have approximately 360 staff to work the whole State of New York.

Mr. GILMAN. How much of your money, Mr. Martinez, is devoted to these supplemental increased monies for expansion of the school-based programs.

Mr. MARTINEZ. How much do we put up? We put up $22.3 million statewide.

Mr. GILMAN. Those are mostly community-type programs.

Mr. MARTINEZ. School programs, the archdiocese, his 32 school districts, the archdiocese of New York, Brooklyn, and Hebrew day care.

We spare none. We fund all of them. And let me add, to give you some more good news, the groups that you are talking about—which are those small local community groups—we are going to give them money.

Don't ask me how much.

Mr. RANGEL. If you will yield just for a minute——

Mr. GILMAN. I will be pleased to yield to the Chairman.

Mr. RANGEL. Julio, don't get frustrated.

Mr. MARTINEZ. Charley, I've been coming to these hearings for seven and a half years, and all I get is comic books from the administration.

Mr. RANGEL. You can get frustrated and leave, but the questions I am asking you—you have to appreciate this. It may look like separate islands to you, but we are here to find out just where the responsibility lies, and when we talk about education, quite frankly, it wasn't perceived by this Chair that we were talking about your shop.

On the other hand, we know the frustrations you have, because you are the last stop from arrests, the last stop from the courts, the last stop from unemployment.

But now you are telling me in frustration that even though the Federal Government is doing a lousy job, that you are doing one hell of a job because our kids now are dependent on your shop for the money, so that they can get—I think that is what you are saying.

We are talking with the Commissioner of Education, and he is telling us—tell us what you are doing in education, Julio.

So forget rehabilitation. Forget the questions we have for the Commissioner of Education. Tell us, Julio, what you are doing to educate our children that drug abuse is a dangerous thing, because I have got the shops mixed up.

Mr. MARTINEZ. Charley, we are doing that in approximately 30 some odd school districts, and I think the best person that can tell you that is the guy who I give that money to, and that is that gentleman right there.

Mr. RANGEL. You know, Julio, there has hardly been a time that you have been involved in anything that I haven't always felt that they couldn't have picked a better person to really understand the problem, administer the problem, and to get the best results you can get with limited resources.

There is one job they did not tell me that you had, and that was that you are also the State Education Director, in order to make certain that our kids in school would have a better opportunity to avoid the temptation of drugs.

Mr. MARTINEZ. That was not by choice.

Mr. RANGEL. Well, I am just saying that with all the frustration you are having, it was frustrating for me to find out a few minutes ago that if I really want to find out what is happening in our school system, don't go to the commissioner. Go to Julio Martinez who is in charge of drug abuse.

Mr. MARTINEZ. I am sorry if I mislead you, Congressman.

I am saying that we are doing our fair share within those school districts. I get pressure from this gentleman here, from the city, from people in Long Island, upstate, do more, do more, do more.

And I am saying that I can only stretch that dollar so much in terms of what we are doing, the state, the New York State Division of Substance Abuse, in the schools.

I honestly believe—and I mean this—he has to do a little more, and he has to do much more. I am saying we are doing our fair share, but we need more help.

Mr. RANGEL. I don't see any, under any stretch of your imagination, what your office has to do with the funding of programs in our schools. I really don't see it.

Mr. MARTINEZ. Well, we do——

Mr. RANGEL. Thank God you do, because no one else would be doing it, right?

Mr. MARTINEZ. Do you want to take the $20 million and put it in his shop? By the time our local programs see that money, it will be 1999.

The fact that I am responsible for it, that money comes to me and it gets administered.

Mr. RANGEL. I understand the system now. Don't go to the governor, because he has nothing to do with education. I got that. Don't go to the Commissioner of Education, because that is with substance abuse, and don't go to substance abuse because you have turned the money over to the city.

And then the city says, "Don't go to me, because the police department is running the program."

Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. AMBACH. I hope, Mr. Chairman, that what I had tried to say earlier now has a certain clarity. The fact of the matter is that the money at the state level, which is, in fact, earmarked for drug education programs, is going to the Substance Abuse Office for their administration back to its districts.

Mr. RANGEL. It is not clarity. I really think that with all of the criticism that we give the Federal Government that it is very, very difficult for me to explain to anyone outside the state how we are taking care of business.

I yield.

Mr. GILMAN. Mr. Ambach, how many school districts is Mr. Martinez reaching?

Mr. MARTINEZ. In New York City?

Mr. GILMAN. How many are you reaching with your program? How many school districts?

Mr. MARTINEZ. In the city we have——

Mr. GILMAN. Throughout the state, how many districts are you reaching with the funding in your program?

Mr. MARTINEZ. About 250.

Mr. GILMAN. And how many districts are there in the state?

Mr. AMBACH. Seven hundred twenty-five.

Mr. GILMAN. So, we are talking about a third of the districts with some $20 million that you are allocated.

Mr. MARTINEZ. Yes.

Mr. GILMAN. And Mr. Ambach is trying to do the job with $250,000 for 700 districts. Is that where we are at, Mr. Ambach?

Mr. AMBACH. That is correct.

Mr. GILMAN. Isn't there a mandate by the Board of Regents that was adopted some 10 or 15 years ago mandating that the state provide a mandated drug education program?

Mr. AMBACH. There is law, state law, for purposes of mandating both health and drug education.

Mr. GILMAN. That mandates the program.

Mr. AMBACH. That is right, in the school.

Mr. GILMAN. Isn't that part of the Regents?

Mr. AMBACH. Pardon?

Mr. GILMAN. Wasn't that recommended by the Regents?

Mr. AMBACH. That is correct.

Mr. GILMAN. And it was a law that was adopted.

Mr. AMBACH. That is correct. I proposed part of that myself.

Mr. GILMAN. What is your responsibility under that law?

Mr. AMBACH. Our responsibility is, one, to provide for what the overall curriculum direction shall be, to produce materials which are related to that, and then to monitor the schools to make certain that, in fact, the program is in effect in the schools, kindergarten through 12, but with very, very specific health education/drug education provisions, which are in the middle school years and the high school years.

We have provided for you, of course, all of the materials, all of the curriculum guides which the Department has prepared, and also in my testimony I have indicated what are the special steps for monitoring teacher training that we have this time around. That is all done with that $250,000 that I have just described.

Mr. GILMAN. As I recall, you indicated there was a lack of funding to have sufficient distribution of that curriculum, that it was updated, you were going to revise it.

Mr. AMBACH. That is correct.

Mr. GILMAN. And then try to get more funding to distribute it.

Mr. AMBACH. Correct.

Mr. GILMAN. And then to get funding to provide the regional training.

Mr. AMBACH. That is correct.

Mr. GILMAN. Has that been provided now?

Mr. AMBACH. No, sir. That is what I spoke about earlier.

Those were the pieces which you and Congressman Rangel, Congressman Scheuer wrote about, advocated. Those were not funded this last session.

Mr. GILMAN. So that we may have a reform curriculum, but we still can't get it out or do the training because of a lack of funding.

Mr. AMBACH. That is correct, and that is my frustration as well as yours, sir.

Mr. GILMAN. Yes, I realize that.

Mr. AMBACH. And with the Chairman, a shared frustration.

Mr. GILMAN. Let me ask the entire panel—and thank you, Mr. Ambach, for clarifying that.

Let me ask the entire panel—we will be appearing before our Administration, the Chief Executive, the Attorney General, very shortly—in making recommendations, what would be your major recommendations that you would like to see made to our Administration with regard to drug education?

One major recommendation Mr. Ambach.

Mr. AMBACH. To pass and get support for the very bill which you have advanced.

Mr. GILMAN. State aid, aid to the states.

Mr. AMBACH. Your bill has, in fact, both aid to localities and aid to the states.

Mr. GILMAN. For drug education.

Mr. AMBACH. That is correct, but it has a coordinated drug education program. That is the one single recommendation and the most important priority I would pass on to you.

I commend you for having advanced the bill, and I would urge that you draw strong support for it.

Mr. GILMAN. Thank you.

Let me go right across the board.

Doctor Glogau.

Ms. GLOGAU. Coordinated media and in the school program for the very, very young, in drug education.

Mr. HOPKINS. I would agree pretty much with Mr. Ambach.

Mr. MARTINEZ. I would say we should begin from kindergarten all the way on up. I think the sooner we reach these youngsters the better off we are.

Right now, I think we are cutting off at an age where we are mostly dealing with kids who are roughly 12, 13, 14, and 15, and I think we have to go much deeper and get to the kids at a real, real early age, just as they are coming into the system.

It should be part of the regular curriculum that they are going to get, the regular stuff that would go on at kindergarten at that lowest level when kids are starting to grow up, give them that information right away.

Mr. SCHONHAUT. I would agree with what has been said. I would like to take a little issue with Congressman Rangel. The New York school system did not say go to the police department when you want to know about our programs. We have programs that work with over 150,000 kids. We are proud of our success. We think we don't get enough money from Julio, but we think we use it well, and he watches us. Don't think he doesn't watch us, and if we don't get to the kids with our program—we are talking about a prevention program—he is all over us, as he should be, and the program that we started with the police department is not a substitute for our regular program, it is in addition to, and we did it—the Chancellor, Nat Quinones and Ben Ward did it together—with no money from anybody. They got an idea and they ran with it.

Mr. RANGEL. What happened with the straight curriculum for drug prevention?

Mr. SCHONHAUT. The state curriculum is in place.

Mr. RANGEL. What does that mean? I don't understand that. What is in place?

Mr. SCHONHAUT. In every grade in every school district in this state there is a provision for the teaching of this curriculum, and I am telling you that is not going to solve the problem. What is going to solve the problem is getting somebody to those kids to talk about what is going on in their lives.

Mr. RANGEL. Then why don't we get rid of the state curriculum?

Mr. SCHONHAUT. It is informational. The kids have to have that information. But we have to approach it from the point of view of telling these kids that there is something else in life besides drugs and other chemicals.

Mr. RANGEL. I laud what you and Julio are doing. Forgive me for believing that the State Education Department should have something to do with it. I apologize.

Mr. AMBACH. And it does.

Mr. GILMAN. Mr. Lilly, did you want to make any comment?

## TESTIMONY OF LEVANDER LILLY, ASSISTANT TO CHANCELLOR, NEW YORK CITY PUBLIC SCHOOLS

Mr. LILLY. Yes. We all have quoted the Rand report that came out a couple of years ago, and it clearly indicated that if we are to turn the tide of drug abuse, we must place more emphasis and resources on prevention. Over the last 18 months we have heard a lot of talk about the need for prevention programs, and we have excellent programs here in New York. But we have not received adequate funds for these programs.

Dr. Schonhaut pointed out that in 1971 we had 1200 counselors. Today we have only 520 counselors. We can only service 150,000 youngsters citywide. Clearly we need more money. We need more resources. We need more advocacy for school-based prevention by DSAS.

Mr. GILMAN. Let me interrupt a moment. Where does that problem stem from? Dr. Schonhaut, is that because the city's budget is limited, the state budget is limited? Where is that problem stemming from?

Mr. SCHONHAUT. The bulk of our money for this program comes from the state. The city puts up a small piece of money which came two years ago—right, Julio?

Mr. MARTINEZ. Roughly. We are hoping to see that put back in this one.

Mr. SCHONHAUT. And we have been screaming our heads off to the city. Maybe not publicly, because one doesn't scream publicly at ED. Maybe you do, but I don't.

Mr. GILMAN. How much money is needed, Dr. Schonhaut, for this program?

Mr. SCHONHAUT. How much money would we need for the program?

Mr. GILMAN. To do a proper job?

Mr. RANGEL. For all of the districts.

Mr. GILMAN. In the city school system?

Mr. SCHONHAUT. It is in my testimony for $40 million, but if I got it I don't think I could spend it tomorrow. I couldn't spend it now. It would be gradually phased in over several years.

Mr. GILMAN. How much are you getting?

Mr. SCHONHAUT. We are getting all together, city and state, $17.5.

Mr. GILMAN. How much of that is from the state?

Mr. SCHONHAUT. $15.5 million is from the State.

Mr. MARTINEZ. Correction.

Mr. SCHONHAUT. Are you going to count the Archdiocese too, in my money? Are you going to count the Archdiocese?

Mr. GILMAN. Mr. Martinez, what do you have to add?

Mr. MARTINEZ. I want to say it is roughly about $18.2 for New York, but heck, the archdiocese is doing something. They are part of that network. We can't discriminate against the archdiocese.

Mr. LILLY. You are confusing the issue when you lump the New York school system in with the archdiocese. This year we are getting $15.5 million from Julio, period.

Mr. GILMAN. How much is the city providing?

Mr. LILLY. The city this year will provide $2.7 million.

Mr. GILMAN. So you are getting about $18 million to do a $40 million job, is that correct?

Mr. SCHONHAUT. That is right.

Mr. MARTINEZ. That is correct.

Mr. GILMAN. Have you made a request for additional funding from both the state and the city?

Mr. SCHONHAUT. That is correct.

Mr. GILMAN. And you have been turned down?

Mr. SCHONHAUT. I personally have spoken to a half dozen city council people. We have spoken to the leadership of the city council. You know that is a leadership organization, and we have strong support. We have strong support in the sense that everybody wants to add on. When the question is posed what do you want to give up for this, then that becomes the problem. I think that was the one the commissioner was referring to. You could always ask for money until somebody says I will give it to you, tell me what you are giving up. And our needs in education are very great, as you well know.

Mr. GILMAN. I would hope all of you as administrators would take the leadership role in making these demands public, so that we can join in this effort. Had we not had a meeting with Mr. Ambach just a few months ago, we would be unaware of his needs, and we tried to join and be supportive.

I hope, Mr. Ambach, you will give us some thoughts as we address the forthcoming session of the legislature in the new budget in the state to see where we can put some pressure on to try to develop an appropriate program. I hope that all of you as leaders would take that leadership responsibility and let the public know where you are being shortchanged. We are here to help, and we want to help, but we don't know about it unless you press the proper buttons.

Thank you, Mr. Chairman.

Mr. RANGEL. Mr. Conyers.

Mr. CONYERS. Thank you very much, Mr. Chairman.

I would like to announce that these hearings are probably in the context of this problem, more important than any of the more dramatic ones that have been held by this committee, for the single reason that we have made a penetrating analysis into the systemic failures at all levels of this problem, and this has just been the beginning. This hearing could go on each week until we really get to the bottom, and I think that we need to conduct them in all 50 States.

Several other states are probably in the same situation, some worse, some better, but until this kind of analysis is made, we will always be throwing solutions at each other and decrying the lack of funds, and the problem, of course, keeps getting worse. So I welcome and commend the nature of this hearing and how it was structurally put together.

There is another dimension here, and that is the sociological understanding of what it is we want to do with the money and identifying the programs that are better than others, which really is a whole other track, what it is that works, what it is that you are doing right.

I think now that I have mentioned systemic failure, there are also things going on that are important and effective and successful. They are not turning the tide but we know we have a handle on some things.

What I want to ask, because we have I think done as much as we can on the systemic nature of the problem, the failure of the federal, the state, the local, the educational, and the criminal justice system, but let me ask you the question upon which we build the programs and the funding. What is it that works? I am not yet prepared to approach anybody to tell them other than that we ought to start at the kindergarten level, and I would be shocked to hear anybody disagree with that now. That is the one thing that everybody ought to be able to agree on, that there is no age too young to begin this program of education.

I like advertising to kids in a positive way, but maybe I can't get it. Maybe we can't ~~begin~~ to open up all these doors in one of our hearings, but could somebody just go through the panel again one by one, and tell me in your own way one more time for this member what it is we ought to do with these billions of dollars that someday we are going to free up and get and we are going to educate the White House, we are going to take over the Congress with our logic. We are going to persuade the governor, the mayor, the police chief, the school board people.

Then what would we do? Somebody, or hopefully everybody, all six of you, tell this member to what end would we should target all of these funds and all of this coordination and all of this systemization that we finally got together?

Mr. MARTINEZ. Let me try real quick and short. I think it is important for this committee to understand that every community is unique and different, and you cannot take a program that would probably work in New York City just to give you an example, the Board of Education, which is a highly successful program—and maybe apply that to a place in Westchester, Buffalo, or another part of the state, or in Harlem for that matter.

I think if you are going to develop a program, the first thing that you do, first and foremost, is that there has to be an awareness on the part of that community that they want that. You have to bring in religious leaders to participate in that program. You have to bring the kids in to participate in that program. You have to bring the law enforcement people to come in and to participate in that program. A lot of these programs that are funded right now are being operated in a vacuum, and I think that what you need is a holistic approach and a network approach of getting everyone who lives in that community to participate in that program, for the simple reason, the following:

When that young man leaves that school, and he decides to go to the Boys Club, that same program is followed up in the Boys Club. That when that young man leaves that Boys Club to go to whatever other recreational area, or for that matter, to camp, that the program is followed in that camp. That when that kid comes back home, the program is still being applied at home. And that is not easy. That is not easy.

Most people don't want to deal with drug abuse. You go to any part of the state and the minute you talk about prevention program, the first response is what are they going to think is going on here in this school? They probably are going to think we have got a bunch of druggies, everybody is going to move out, and there is a big fear, and I am saying that it is the responsibility of everyone to participate and say we want to make this thing happen because it is good for the community, it is good for the neighborhood, and I think we just have to begin to make people more aware that starting a prevention program does not mean that you have a drug problem.

Mr. CONYERS. I think you put your finger on this social stigma that makes communities want to hold back on dealing with the problem until it burst out on the front page. I deeply appreciate that because it explains several things to me, sir.

Mr. Director, would you describe for me just one program in one place that you like and that you would put on the tables and this is something you could put bucks behind?

Mr. MARTINEZ. I wouldn't honestly do that and I will tell you why. I have some people back there that are from the New York City school base program. I have some people here from Westchester and some people here may be here from Long Island. The minute I say that this is the ideal program, I may have just hung myself in Staten Island.

I think every program that works has to be unique to each community. You can't say that this program here is the ideal program and do it across the board, because every community is different. You have to understand that.

Mr. CONYERS. I think I do understand that. But could you point me then—I don't want to politicize this. Can you name a program?

Mr. MARTINEZ. John Blangiardo's program, the good-looking guy, with the gray hair.

Mr. CONYERS. If he is not going to ask to testify, could you just summarize what that program does?

Mr. MARTINEZ. The program is out in Brooklyn and they work with a lot of youngsters who are within that school system. Now, that is accomplished through various group sessions, peer pressure, a combination of information, literature, getting these kids to understand the dangers of drug abuse, getting them to talk about what drug abuse is all about, and the shape, format, what are the causes effects if you are going to go take the risk of using drugs.

I think what they try to do is say here are some alternatives. If you want drugs, it's out there. You can use drugs. It is always going to go there. But here are some alternatives you can work for of why to stay away from drugs. What the causes and effects of drug abuse.

Now, how John reaches that kid, every kid is very different. One kid he may have to apply one type of service to and he may have to apply another form of service to the other kid, because as humans, we are all different, and we know that.

That is what I am trying to say, that we have to be careful by saying this is the ideal model. Black kids have other needs than white kids. Hispanic kids have other needs. Jewish kids may have other needs, Italian kids. I am saying that when we look at drug abuse, let's not try to come up with a knee-jerk response. Let's try to look at what that community needs and let the community do the assessment of what the need is, not the state, not the city and not the Federal Government.

I should not dictate to a community what program is going to work for them. I think the community should dictate to us what their needs are.

Mr. CONYERS. Thank you very much.

Mr. SCHONHAUT. May I comment on this?

Mr. CONYERS. Yes, sir.

Mr. SCHONHAUT. Julio mentioned one of the programs we have in New York City. There are about——

Mr. LILLY. We have different models, different model-type programs.

Mr. SCHONHAUT. There are three directors here. You can speak to them afterwards. They can all speak to you what their specific program is. There are some generic items that appear in all programs.

First, we have to give the kids the factual information on drugs, what it is all about and its harmful effects. That is for every kid. And in part, we give that in the state curriculum. Then we have to help them in terms of decision-making skills, coping skills, communication skills. Some of these kids don't know how to talk to anybody else about their problem.

Now, the program that Julio mentioned, I visited this program. John took me around. There was a person, a trained counselor with a small group of kids. And if you would walk in and watch them, you wouldn't even think it had anything to do with drugs. They were talking about feelings. They were talking about how do people get along with each other and that lesson is the lesson that we were teaching. How do you get along in life without drugs? How do you deal with feelings? How do you make decisions?

One, every kid needs the information, and, two, every kid has to know how to deal with life. Life is real tough for these kids. We have got to give them all the help we can. If I had the money I would get the counselors and give them that kind of help.

If you want specific programs that work, Congressman, there are people right here sitting behind me who can brag about their district and tell you how much more they need.

Mr. RANGEL. Let me thank the panel. You have no problem the way the system is set up how you get your funding?

Mr. SCHONHAUT. I don't care if I get it from Gordon or Julio or Mario himself.

Mr. RANGEL. Well——

Mr. SCHONHAUT. As long as I get it.

Mr. RANGEL. The structure makes it a little difficult for us to offer support.

Mr. SCHONHAUT. I didn't design it.

Mr. RANGEL. All I am saying is under normal circumstances, you go to the Governor. He tells you to go deal with the commissioner of education. We have a different system. We have to work with the system. We are not going to try to revise it. We just hope you people get together and see what we can do to be of assistance, to be supportive.

But somewhere along the line, forgetting the fact that we are from the Congress and that some of us are from New York City, we are going to have to find out why people can't speak out when there is a need for funding to be had for a particular project.

Mr. SCHONHAUT. I have only one thing I would add to what you said, and that is, I would prefer, if I had my druthers, to get the money from the State Education Department because Julio has two thrusts, treatment and prevention. Education has one thrust, primarily, and that is prevention. That emphasis is the one that I would like to talk about.

Mr. RANGEL. I am glad that you said it because there is a role and there is enough responsibility that Commissioner Martinez has without making him deputy chancellor for education.

Mr. MARTINEZ. If it was the will of the Governor and legislature, I would give it to Mr. Ambach, no problem.

Mr. RANGEL. Let me ask you one question, Mr. Commissioner. Last week we had hearings in Washington, Commissioner Martinez, and Dr. Jaffe from the National Institute on Drug Abuse—and his volunteer corps were quite proud of the 800-COCAINE line. In the course of questioning, one of the members tried to call up the cocaine line and we found out that not only was the line busy most of the time, but when you got through, they put you on hold and you got a taped message.

So the question was, well, what happens if you did get through, or at least I asked the question, in the City of New York where it is my understanding that we have a backlog in terms of people waiting, they said, no, we have centers that do have slots and that we then refer them to a consultant or advisor or someone.

My question is, are you familiar with the 800-COCAINE?

Mr. **Martinez.** Very familiar. Let me put it to you in a nutshell: 1-800 rings; if you can pay, they will take you; if you can't pay, they will refer you to a funded program.

Mr. **Rangel.** Then what do you do with the person if they come to you?

Mr. **Martinez.** Hopefully we bring them in, do whatever testing. If they have psychiatric problems, have to be de-toxed, we provide de-tox.

Mr. **Rangel.** They can see somebody?

Mr. **Martinez.** Oh, yes.

Mr. **Rangel.** That day or the next day?

Mr. **Martinez.** Within my agency they will see someone that day. But when you call 1-800-COCAINE you had better have your Master Charge or American Express or else they are not going to see you. That is a paying program.

Mr. **Rangel.** But that is not NIDA's program. The 800-COCAINE is not the NIDA program.

Mr. **Martinez.** No, that is not.

Mr. **Rangel.** Strike that out. I am talking about NIDA has an 800 line that is supposed to be supported.

Mr. **Martinez.** I don't know what that is all about. I thought you were talking about the 1-800-COCAINE.

Mr. **Rangel.** No, this is the Federal program based on voluntary help.

Mr. **Martinez.** May be connected with Dr. Mark Gold's program then.

Mr. **Rangel.** Let's look into it, because it would be a cruel hoax to play that if the Federal Government is telling parents and those who are suffering from drug abuse to call this Federal number, and, one, they get busy signals, two, they get put on hold, but, three, they said that somebody is supposed to direct them to some type of help.

Mr. **Martinez.** I called there quite a few times and never got through, the 1–800-COCAINE. Thank God I didn't need help though.

Mr. **Rangel.** Mr. Gilman?

Mr. **Gilman.** Thank you, Mr. Chairman.

I was looking over the 1986 New York State Board of Regents report for legislation actions. Do you have any input into those recommendations?

Mr. **Ambach.** Yes, sir.

Mr. **Gilman.** It was programs to improve education and reads, the regents recommended appropriations equal to 1 percent of operating budget be made to the Department for the program to improve education throughout approval by the Commissioner of appropriate special projects.

Mr. **Ambach.** Yes, sir.

Mr. **Gilman.** Was that adopted?

Mr. **Ambach.** No, sir. That is exactly where you would have discretionary money in the Education Department, as you from time to time give discretionary money to the Secretary of Education.

Mr. **Gilman.** Do you have any discretionary funds?

Mr. AMBACH. No, sir. They are all earmarked for specific program purposes.

Mr. GILMAN. Thank you.

Mr. AMBACH. Congressman, I wanted to respond——

Mr. CONYERS. I was hoping that you would.

Mr. AMBACH. My colleagues have commented on some specific local projects and we would be very pleased to add to those by way of specific local projects if that would be of benefit to you.

I would like to make a point, though, by way of fact that as my colleagues have said, there is no single program, in my judgment. There are different efforts needed, and one of the efforts is in the constant improvement of the curriculum materials.

I would like, if I might be able to, Congressman, to give you a set of the drug education curriculum for the State of New York. I can give it to you with the pride of indicating that this written curriculum is recognized throughout this country as an outstanding curriculum.

What we were talking about before with respect to this curriculum is the question of assuring its implementation at each and every grade level. That is a very difficult task.

Mr. CONYERS. How is that coming along in the State of New York?

Mr. AMBACH. The implementation?

Mr. CONYERS. Yes, sir.

Mr. AMBACH. The materials are out. The difficulty is making certain that at each grade level for each teacher there is the experience and the training made available to them so that in fact they can teach about drug abuse.

Mr. CONYERS. How do you go about making sure the implementation occurs?

Mr. AMBACH. We do that by way of monitoring and by way of our registration visits. As I described earlier, and I don't describe it with pride, having three persons in our state education agency for three million children, for purposes of trying to technically monitor——

Mr. CONYERS. In other words, you don't have a monitoring system.

Mr. AMBACH. We have one, but it is nowhere nearly as complete as it could be. The reliance has to be on the local school district to do it.

Your point, I think, is a very good one, go to every state in the Union and ask the same kinds of questions about what is the capacity, what is the capability, what are the personnel at the state level, in Michigan, in Illinois, in Texas, wherever it may be for purposes of providing that kind of monitoring.

You will find that this is a place where the very bill which you have sponsored for drug education programs at the Federal level could be extraordinarily important. You should leverage that bill to make certain that in fact you help to increase the capacity for each state.

Mr. CONYERS. Thank you for your advice. I will be sure to follow it.

Let me commend you for your demeanor, because I think your calm and thoughtful approach is very helpful. But in the report that my colleague, Mr. Gilman, said that you submitted to the state for the program for education, the regents report, there is no mention of drugs.

I just flipped through it and I don't purport to have read it, but was there an omission on drugs because that is too hot a subject to raise at the state level among all of these thoughtful people in the Empire State of New York. If you wrote in a section there that we have got a drug crisis that ranges from one end of the state to the other, people would say, well, this man thinks he is in Harlem somewhere. Let's get rid of him.

I don't know if there is anything in there at all. I mean buried in it a request for discretionary funds doesn't tell the state leadership that there is a drug crisis at the elementary level in the schools.

Mr. **Ambach**. To respond to your first question, the answer is a flat no. Our comments in the document and what we have advanced in that program or did advance in this last legislative session were not held back at all because we were concerned that was a "no-no," and not meant to be discussed.

Mr. **Conyers**. Then why wasn't it discussed?

Mr. **Ambach**. It was.

Mr. **Rangel**. The gentleman from Michigan is referring to the New York State Board of Regents' recommendation for legislative action on state aids to school and there were six goals and specific proposals.

Mr. **Ambach**. Right.

Mr. **Rangel**. And drugs was not included.

Mr. **Ambach**. Six goals are very broad goals. Drug and health education are within those goals.

Mr. **Conyers**. Where?

Mr. **Ambach**. In several of them.

Mr. **Conyers**. Tell me. Several of them where?

Mr. **Ambach**. You are looking at a document. I am not looking at that document. I don't remember the numbers of all of the items.

If somebody would hand me one I would be pleased to comment on it. This was not a part of what we submitted as testimony, but I would be very happy to comment on it.

Mr. **Rangel**. Well, it is just that narc prevention education wasn't there. Commissioner Martinez, the number that NIDA is giving out as part of the "big lie" campaign, which is the private sector, is 1-800-662-HELP.

This was operational in 1986 which will direct users to treatment facilities in their local communities. I will be glad to work with you on that, because it would be a terrible thing if people are calling and you can't give them any help.

Mr. **Martinez**. I tell you, Congressman Rangel, my heart bleeds for them if they call New York State. I will tell you why.

Right now we are busting at the seams. We are at 115 percent capacity and whatever resources, new money the governor gave us that is mostly to give some of these guys something in prevention and they feel that is not enough and to try to take care of our own which is roughly about another 2,900 people.

Mr. **Rangel**. I would ask the staff to call Dr. Jaffe Monday morning.

Mr. MARTINEZ. We cannot handle them. I have to be honest with this committee. If we had those calls transferred to us we couldn't handle it. We don't have that type of money.

Mr. GILMAN. Mr. Chairman.

Mr. RANGEL. Mr. Gilman.

Mr. GILMAN. Mr. Ambach, while you are looking through all of that with regard to the implementation that Congressman Conyers was referring to, I have been informed that one of your three personnel who were supposed to be in charge of implementing the program have written and told the school districts that we have a program available itself here, and then he wants for an invitation from that school district before they go out to do anything.

It has to be on invitation of the school district, is that correct?

Mr. AMBACH. That may be true with one of the aspects, but that is not true on the monitoring side of it.

Mr. GILMAN. This is with regard to providing a teaching program and they have regional teaching——

Mr. AMBACH. A teacher training program.

Mr. GILMAN. Teacher training program, is that correct?

Mr. AMBACH. I believe it is correct.

Mr. GILMAN. It is up to the school district to ask for a limitation.

Mr. AMBACH. When you have a limited number of persons and you have a limited opportunity to provide teacher training, what we have done in effect, is said, we will take the request and then we will move to assist with that training where the request comes.

Mr. GILMAN. If they don't request it there is no training?

Mr. AMBACH. In that particular case, that is correct.

But you have to keep that in the context of talking about one or two people with 700 school districts, 6,000 schools. You tell me whether you would follow a different strategy?

Would you follow a strategy of, in fact, responding where you had a specific request to come and provide assistance or would you just paid at random?

Mr. GILMAN. If you were asking me, I think if I had a mandate to provide that training, I would provide the personnel to do it and make sure that we had the personnel.

Mr. AMBACH. So would I, but if I have three people and don't have 25 or 30 people, then I have to run a system in which there is a way to try to deal with priority.

That is not the most desirable way to do it, I agree with you, Congressman, but I don't think one can be faulted by way of saying that we respond where there is a specific request when you know you don't have enough personnel to be able to do it all the way across the board.

Mr. CONYERS. Commissioner Ambach, could you indicate to us how many school districts have asked for this help on narcotics abuse?

Mr. AMBACH. I can't off the top of my head, but I certainly can provide it for the record, surely.

Mr. CONYERS. Do you know if it is ten percent or less?

Mr. AMBACH. No, no, no. We are talking about far in excess of that.

Mr. CONYERS. Half the districts perhaps?

**Mr. AMBACH.** Who have requested assistance or receiving assistance?

**Mr. CONYERS.** Have made the request.

As I understand your response to Mr. Gilman's question——

**Mr. AMBACH.** Over 500 last year.

**Mr. CONYERS** [continuing]. Nobody goes out unless they get a request. If nobody goes out unless they get a request, there is nothing to monitor. There is no program to implement.

**Mr. AMBACH.** Excuse me, sir. We are talking about two different things here.

He is making reference to a specific teacher training program where it is an opportunity to be able to assist with in-service training. That is not a monitoring function. That is a service function. There were, last year, more than 500 requests from the school districts for that program.

**Mr. GILMAN.** For teacher training?

**Mr. AMBACH.** Yes, sir.

**Mr. GILMAN.** Isn't it true without proper teacher training the program is absolutely valueless?

**Mr. AMBACH.** Yes.

If I can refer back to the document you asked me about, and if I can refer back to the very letter you sent to the Speaker, to the President of the Senate and to the Governor, the prime factor that was in that was $5 million worth of professional staff for development training. That is under the first goal of this program. That is precisely what it is all about.

**Mr. GILMAN.** Congressman Conyers is asking how many requested that training. You say 500. How many have you been able to respond to?

**Mr. AMBACH.** I would have to once again ask one of my colleagues.

Mr. Chairman, to assure accuracy on the answer, I really would request an opportunity to file that with you so we can tell you exactly how much.

**Mr. GILMAN.** Could you give us a rough estimate? Roughly how many have you been able to respond to?

**Mr. AMBACH.** The reason I don't want to provide it roughly is because there are different types of responses.

One response is where we might send materials or get them in contact with someone else to assist with the training.

Another response is where we might have been able to do it directly ourselves. It is important for you to be able to see what the differences are.

**Mr. GILMAN.** If you would provide us with that information.

Mr. Chairman, I would like to ask the response be made part of the record.

**Mr. RANGEL.** Without objection.

[The information referred to was not received at time of printing.]

**Mr. CONYERS.** I just thank the Commissioner of Education for really being helpful here today, and I am sure that none of the panel's questions, and hopefully none of mine, were interpreted as hostile in any way.

I can tell you that although I have been in Congress several years, I have never had this kind of understanding about the complications of the relationship between the Federal, local and state levels and I am very thankful to the entire panel.

Mr. **AMBACH**. May I assure the Chairman and all the members of the committee that I, in no way, received your inquiries in a sense that they are hostile at all, not at all.

I received your inquiries in that your deep concern, shared by all of us at this table, and I am sure in this room, is that we have to move forward, we believe have got to make new advances. The inquiries, I believe, are all along the lines of figuring out what are the most effective advances to take.

Mr. **GILMAN**. Mr. Ambach, we want to thank you for being so candid with us with regard to your responses.

We thank the entire panel for being with us today.

Mr. **RANGEL**. We have to move to the next panel.

## TESTIMONY OF BENJAMIN WARD, COMMISSIONER, NEW YORK CITY POLICE DEPARTMENT

Mr. **RANGEL**. Sorry we are getting a late start here, but we have had some exciting hearings, and the Governor and Mayor have promised to embark on a new and exciting venture in order to build up a national support for bringing more involvement of the Federal Government.

First, I want to congratulate Sterling Johnson and Bob Morgenthau for that terrific investigation and arrest and seizure that recently took place.

Was that with the DEA?

Mr. **WARD**. No. He wasn't in that one.

Mr. **RANGEL**. He wasn't in that? Well, I think we are quite proud and it gives the community encouragement to know that this type of undercover work is still going on in addition to taking care of the problems they have on a day-to-day basis.

We are running behind time, so you won't have to read your testimony. By unanimous consent, it will be entered into the record.

[Mr. Ward's prepared statement appears on p. 195.]

Mr. **RANGEL**. Perhaps you can just present the highlights of it as you feel most comfortable so we can get some questions in before we bring in the next panel.

Commissioner, thank you very much. We know the great job you have been doing in this area, the increase in foot patrol and policemen and arrest and that type of thing, and you should know that the Mayor said in his testimony that he had 55,000 arrests a year, that you have more people in jail than ever before, that he has the best police chief and the best police department in the country, he says—but I don't want to believe with all of this effective police work that I think there is one iota less of drugs on the street as a result of it.

I just say that to you because we had a little conversation about that not too long ago. I yield to the distinguished Commissioner of Police.

Mr. **WARD**. Thank you very much.

I am happy the committee said that and can't dispute that, but I probably would agree with them.

I think one of the reasons the price of cocaine is down almost in half from what it was just a couple of years ago is because there is a greater amount of cocaine coming across the border in 1986 than there was in 1985, 1984, and 1983. I guess it is about 1983.

It is probably reduced in half in price, and I believe that is because of supply, which the last time we were here I pointed out that I thought, while we cold not give up or even reduce our efforts in enforcement, that we have increased it, that I really believe that it takes more than enforcement.

It is going to take education and enlightenment as well as enforcement to do that. I think we have a Crack epidemic in this city today.

I mentioned in 1985 that I thought in 1986 Crack would be the major drug problem in New York City, and my sense was true.

I really got that from being out in California with International Association of Chiefs of Police. On the west coast what we call Crack was called Rock, and that Rock was beginning to hit L.A. and San Diego and San Francisco in a great wave, and it tends to leapfrog across the country, maybe stopping in Chicago, Detroit, along the way, but it hits the east coast, Washington and New York areas, very rapidly.

So, I thought it was coming and I was right. A little bit was here and a whole lot is here today. The drug use in America abounds with low cost purity——

Mr. RANGEL. Commissioner, did that conference issue any type of a national statement?

Mr. WARD. Not on the issue—we don't have a recorder for one thing. It is an informal meeting of the 25 largest chiefs, the chiefs from the largest cities in the country.

No, we did not produce a statement. We produced a resolution on hand guns, but not on drugs, not a formal one on drugs.

It is a form of exchange forum for exchange of ideas.

Mr. RANGEL. All right. Because the Chair has agreed to host a conference of mayors in the City of New York with this committee being supportive in any way possible in order to make an appeal to the Federal Government to be more supportive of our effort to deal with this problem.

Now, I guess the impression that police chiefs—mainly because they are appointive—would be reluctant to get involved in this type of sending a message to the Congress and to the Federal Government.

The only reason I mention it is because more and more, we are hearing from the Federal Government that this is a local and state problem.

They are going to make their big selective cases and they are going to deal with the borders, but it seems, in view of the dramatic testimony that the Mayor has given and that you have supported, and that is that we will swell our jails, we will swell our courts with—we could even double our arrests.

But the answer has to be found in other areas, and no one disputes that at all, that it would be so dramatic if the people that are really looked upon as to one that is supposed to have a solution to the problem—to wit, police—because you are the first person there when the people are looking at it, if in a very professional way, nonpartisan way, a political way, that they could issue a statement saying we are going to continue to do our job the best that we can, but you should not expect that we have the capability to eradicate fields in Bolivia or to educate your children at home.

Now, I would not be driving up to you again with the same type of proposal had it not been for the very dramatic offering that the Mayor is making in this area, and perhaps what he intends to do might make it unnecessary for police chiefs to even think about it.

But what I am saying is, it is frustrating to see an administration that consistently calls this a local and state problem, to find out that we don't hear from the National Conference of Governors saying, "You are out of your mind."

How can it be? We don't hear from the National Conference of Mayors.

The last group I would expect to hear from—because, after all, they don't have the latitude to be issuing a lot of statements—would be Police Chiefs. But you did a heck of a job. You lost it on hand guns, but I never felt prouder of the police in coming out there on the hill.

I think it is good that you lost, because next time out you will learn how to lobby good because you just put on your uniforms and people thought that was going to turn it, but the National Rifle Association, they are pros. But it was good to see the Police Chiefs out for a cause that concerns our communities.

I am not here to testify, but I just asked you to please think about it, because I think you will have one heck of a strong impact if it makes sense to beat that.

Mr. **Ward**. I have been speaking out on the failure of the Federal Government to fight drugs in the last two years I have been involved in this.

I just don't expect that you are going to get the International Association of Chiefs of Police to take a uniform stand and say that the Federal Government is failing to close our borders and control the flow of drugs.

Mr. **Rangel**. I will accept that.

Mr. **Ward**. It is a political statement by nature. It is difficult enough to get them to deal with guns.

But when they are dealing with guns that have armor-piercing ammunition involved, we got to go on that. But that is the first time to get all the Chiefs together and around a central issue.

We are all having problems with the drugs. If you think we are having problems in New York—and we are—then consider six sheriffs from Tennessee all being arrested on the same day because they became involved in drug smuggling of planes landing in the fields on dirt strips and just using the fields as transfer points.

Mr. **Rangel**. I accept, one, your experience; two, the credibility that you enjoy throughout the nation.

I just don't understand how, where policemen losing their lives—I mean, they are right there. It is not a theoretical problem. It is not a get re-elected problem. It is not a speech thing. It is not going out under cover and getting on t.v. It is you guys that are really out there with these nuts got guns that are shooting and killing.

And in addition to that, it is the police and us who are elected who are perceived by many to be a part of this problem.

We spend a lot of time explaining, and they look at you and say with all honesty that, "If you people in Washington really wanted to do something about it you would. But we understand that you are part of this thing. You are being paid off."

And in the black community, John, they are now saying that it is a white man's conspiracy to wipe out black kids. It is frustration, but they, at times, are saying that every policeman is on the take and that the policeman say the deal that went down and he didn't do anything about it.

I know we have to constantly battle against those things, and I had thought because of the increase of the crisis and the emergency nature that perhaps police chiefs could break out of what was happening and say, "Listen, you are asking too much of it."

But I am going to stop asking, because if a person like you who has been very outspoken on the issue—you have been fortunate that you are mayor, has not put you in any minds as to what you could say or not say—so if someone with the broad latitude and credibility that you have believes that you can't get a statement, then I am going to quit asking for it.

So, you won't hear anymore from me on this one.

Mr. **Ward**. I want to respond, but I am not. I am not going to stop from speaking on the issue, either.

But I am not going to go down to Washington and walk the halls and see if I can lobby Congress on what I believe you have done a very effective job of making Congressman and Senators aware of the problem.

We all know we have a tremendous drug problem in this country. We know that it has not grown in this country, that it is coming across the borders, and we know the amount of effort that is being put forth by the Federal Government is minuscule.

If we look at the area of education, in New York City in this budget year, I will put three and a half million dollars into our Specter program, into our school program, to eradicate, to control drugs.

Three and a half million police dollars plus three and a half million Board of Education dollars—that is a $7 million commitment in New York City.

That is without a separate budget line in either of our budgets for that. The Federal Government puts in $3 million for the 50 states for drug education, the whole country.

So, I think New York City is way out in front on this problem. We are way out in front because the Police Commissioner and the Chancellor of the Board of Education has taken the lead.

Ed Meese knows about this and I am inundated with letters from all over the country as the Justice Department has asked me to send my chiefs all over the country.

One just got back from San Antonio. I have decide I am being asked so often that I will not send anybody unless they send a plane ticket.

The Chief just got back from San Antonio. We have probably one of the best training films around. We did not copyright it. We provide it to anyone. You have a copy of it as part of my submission today.

I think we are doing what we can, and I believe that you, first, perhaps Sterling Johnson, most vocal right behind you—and beginning two and a half years ago, myself, I believe together—some credit to Mayor Koch—we have begun to alert the entire country that this is a major problem.

Perhaps Crack helped us, because Crack has just hit with such force and so much fear that it is going to destroy our children and the addiction comes so rapidly that I think it has done away with the myth that cocaine is not addicting.

And it has made us realize that without the necessity to inject the needle into your body or to snort something up your nose, which is going to irritate it, but merely by taking a little glass pipe with some water in it and puffing on it a few times you can get high in eight to ten seconds, and that is very attractive to children.

So, it is frightening. We got out in front both with the enforcement program and education program. We got out in front in enforcing drugs around schools and within a thousand feet of schools, even without a local state board, just law, just dealing with the laws we had.

We went into the schools. We have quietly gone into the schools with undercover officers and made arrests, as well. Some have been publicized, some have not.

It is not a major problem with professional staff, but there are some people, mostly nonprofessional staff, who are around the schools that will take advantage of that opportunity.

I think if you look merely at the program, at the state—I will try to be brief, because I have submitted a full report—if you just look at that Specter program and the drug arrests that are made in the school neighborhoods, you will see 86 percent of our total cocaine arrests involve Crack during June alone, 13 percent higher than in May when Crack arrests represented 73 percent of the total cocaine arrests.

As more and more drug sales move indoors to invade our street level enforcement, we have to counter this trend by going out for search warrants which can take up to a year to make the kind of case that is reported in the papers today and will be in the papers tomorrow, as well.

The first half of 1985 there were only two Crack warrants out of 121 that were issued. The first half of 1986 we applied for 296 which is 83 percent—83 percent of those were for Crack.

Yesterday, as I said, we seized over 20 pounds of cocaine. The picture I painted here in New York of the Crack problem is a study of frustration. We are trying to avoid drowning in that sea of drugs. The police department has responded in several basic ways.

Our basic way is enforcement and education, and hopefully enlightenment, including trying to help the rest of the country by providing what we have developed here free of charge to anyone who wants it.

A year ago when I looked through a training film the only thing we could find was something with palm trees and terra cotta mission style flue houses, those California-type dwellings.

Go up into Harlem and tell some kid about drugs, and you are showing him rolling lawns with palm trees and Spanish mission style housing. He couldn't relate to it.

So, we had to develop our own around what New York City looks like. We had a talented police officer who wrote a song about it. I urge you to take the 15 minutes to look at that videotape. You may copy it if you like; take the copy home.

She developed the song. A lot of people were involved, including my wife, in developing the curriculum. Most of the people that were involved—my wife has 35 years as a curriculum developer and school administrator for the Board of Education.

It is an excellent document. You need only cross out New York City and put in the name of your city, and it will work in any city in this country and many cities are copying it.

So, we have tried to not only help the people here in the city; we have tried to help outside.

There are two ways to approach this problem. I am the premier police official in this country. If I say something, people are going to pay attention to it. It is better for me to do something than to merely say something, in my opinion.

Domestic violence programs in this country are changing as a result of what New York has done. Drug education programs are changing in this country as a result of the leadership here in New York.

If I criticize either the Federal Government or my peer chiefs in other jurisdictions and say why aren't you doing what we are doing, they will get stiff. If they see success here, they will copy New York, as they always do, and I think that that is a better approach.

If you can't get governments to move, if you can't get mayors to move, you are going to have a difficult time getting police chiefs who are subordinate to their mayors and their governors to take the lead in attacking the Federal Government, when I don't even know all of the problems that the Federal Government has and when it is possible for them to have the money. I didn't get all the cops I wanted this year but I got all the cops that Ed Koch said he could afford to pay for. And if I am going to be on the team we have to pay for it.

There is a supply side and demand side. We have not addressed the demand side enough, in my estimate. That is where I think the education programs have to take place, across a broad spectrum of concerns, both in the schools and in the media. The churches have not even begun to get involved in this effort yet. There are still people who believe that cocaine is not addictive. That has to be turned around. If there is anything "good" about crack—and I can't call it good except in quotes—is that it is helping alert the nation that this is a very dangerous drug that will addict very fast, lead to paranoic-like behavior in many cases, and a rapid increase in violent crime.

We have been trying to establish that with some scientific accuracy, and so far we have been able to establish where the increases in crime have occurred in New York on a geographic basis. They are the very areas that are the most prolific with crack, and if you look at it in demographics and look at the age distribution, the crack users tend to parallel the age groups of those people that are committing the increase in crime.

I don't think we have an answer, but I think we are much further along today than we were even at the last time we had hearings before you, and I believe with a great deal of help from you and your committee that we are beginning to wake up America to this problem, and force the Federal Government, not by criticizing it so much as by subtly pushing it to say this is your problem. When it is on the street, we can make the local arrests, but we will be making those local arrests and local prosecutions forever, unless you cut off the supply side.

Thank you.

Mr. RANGEL. I said I wouldn't waste this again but I lied. First, I want to say that I wasn't asking you to go out alone as the premier chief. I didn't mean that you should attack the Federal Government, but the reason I am coming back again is because you used the key words that I really meant, and that is to wake up America. What I really was trying to say to you is that I think that too many Americans are dependent or belief that their police chiefs and police departments can turn this around.

And I was really thinking that by making an appeal collectively for the major cities, in saying proudly what you are doing to combat this serious problem, that you state that it is a national problem, and perhaps in your way expect more of a national response.

Again, the Mayor has agreed to do something similar with mayors. I respect your opinion because you know your job better than I do, and I just brought it up again to say that I never meant that you should walk the halls of Congress and attack anybody.

Robert Morgenthau, former United States Attorney, district attorney for the County of New York, you have given great credit to this committee by the support that you have given throughout the years to our assistance, pointing out direction for us not only for the county and the city but certainly giving us the broad experience that you have as the United States prosecutor in the district.

I thank you for the testimony you have given to us, but the support you have been able to get for our legislation from district attorneys throughout the country, and the fact that at these conferences of district attorneys that our legislation is constantly on the agenda.

On behalf of the committee, we want to thank you not just for the job you are doing here but the job you are doing nationally. Your testimony is in the record, and you may proceed in whatever manner you want.

## TESTIMONY OF ROBERT MORGENTHAU, MANHATTAN DISTRICT ATTORNEY

Mr. MORGENTHAU. Thank you very much, Mr. Chairman. I appreciate the opportunity of being here, and I appreciate what you and the entire committee are doing to focus public attention on this major problem that is facing not only all of our cities across the country, but I think the entire population.

As Commissioner Ward suggested, maybe the only good thing that is coming out of some of the tragic events that we have had in the last month or so is that it is beginning to focus more general public attention on the problem, and I guess I have appeared at every hearing that you had here, and I was very pleased to see that there was much more attention evinced by public figures and by the media than there has been at any previous meeting. So I hope that we are beginning to get the attention of the people that we need in order to get some progress made.

Commissioner Ward and Sterling Johnson and I this morning informed the public about a major investigation, indictment and arrests in he Washington Heights section of New York after a one-year investigation. There have been 11 undercover buys; $55,000 have gone south; we had ordered up seven kilos; another $200,000. Arrests were made. They seized about 12 kilos, guns, at 40 locations. This was a major distribution center for the Washington Heights area, but they were also selling in Brooklyn, in Queens and the Bronx.

It took a lot of resources. They were all police officers. It took a lot of resources over a long period of time to make that case, and it was made successfully. But then some reporter said, "Do you think there is going to be any reduction in the sale of cocaine and crack in Washington Heights as a result of this raid?"

And I really had to say I don't know.

Obviously, you have got to be an optimist in our business, and you have got to hope that everything that you do is going to have a beneficial impact. But with the volume of cocaine that is coming into this country—it has gone up from 25 tons in 1980 to 125 tons last year—I just don't know what impact very significant prosecution is going to have. And incidentally, of the 19 people that are charged, 15 of them are facing 25 years to life in state prison, so they are facing very tough sentences if convicted.

Obviously, the local authorities, police department and prosecutors have a very heavy responsibility, and we are carrying that responsibility to to the best of our ability. Sterling Johnson will tell you—he has done an absolutely outstanding job as prosecutor; last year he had 3100 indictments.

This year he has got 2,000 in the first six months of this year. We have more people sent to state prison for narcotics than the entire Federal prison system has. We have more people in the New York State prison system than the entire Federal prison system.

The reason I guess we are all here today is not only because you invited us, but because we need a massive Federal effort to deal with the quantity of drugs that is being grown abroad. I needn't remind you that there is no coca plant in Central Park or anywhere else in this city. We have got to deal with the source, and we have got to deal with the borders, and only the Federal Government has the power in the Constitution to do that. We would be prosecuted under the Logan Act if we went ahead and tried to deal with those foreign governments or tried to patrol the borders.

I hope that out of this hearing and all of the hearings that you have been holding around the country, that you will be able to get the message to the top level of government that we have got to bring everybody in, I mean from the President on down to the Secretary of State and the Secretary of Defense. You have got to get the ambassadors in the foreign countries involved. You have got to get the top people, the Coast Guard, the Drug Enforcement Agency and the FBI.

Everybody has got to get together—and we are certainly available to help in any way we can—in a major planning session, and then an implementation program, to really cut this volume of drugs off at the source or at least at the border.

As you well know, under the Constitution the Federal Government alone can deal with the navigable waters of this country, and that has been delegated to the Army Corps of Engineers. What we have got here is like the Army Corps of Engineers saying: Look, we have given up on the Mississippi River; we can't control it; it's going to overflow its banks; let the citizens of Vicksburg, Mississippi, get out there with mops and mop it up.

That is what we are trying to do. We are trying to mop up a flood of drugs that is coming in here, but it is coming into Detroit. Sterling and I talked to the prosecuting attorney in Wayne County yesterday. They have got exactly the same problem that we have. It is all over the country, and we do need that Federal leadership and that Federal initiative.

I think the proposal of you and Congressman Gilman and others for the State and Local Narcotics Control Assistance Act of 1985 is tremendously important. I think implementation of the Rangel-Gilman-Hawkins Act to cut off financing, I think it is tremendously important. If we all work together, we will do our job here at the local level. But we need the help of the Federal Government, and we are looking to you to get that message to the national government that we really have to have a massive effort to deal with this problem, which is really destroying the cities of this country.

Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Morgenthau appears on p. 207.]

Mr. RANGEL. Thank you for your support. We have got to continue to depend on it.

Sterling Johnson, you have always been available before the Federal Government to share the experiences that you are having in the City of New York, and therefore to show how difficult the problem is in the nation. We appreciate the contribution you have made over the years. Thank you for taking the time out to testify this afternoon.

## TESTIMONY OF STERLING JOHNSON, SPECIAL NARCOTICS PROSECUTOR, NEW YORK CITY

Mr. JOHNSON. Thank you, Mr. Chairman, Members of the committee. I think two things are very, very apparent here and I guess every time we do come here: Number one, we acknowledge the fact that we do have a drug problem and it is serious. We have this cocaine problem. We also have the crack problem, and I think the crack problem is in about 20 or 25 States.

The other thing that is very, very significant, and it is demonstrated through testimony and through calls we get from citizenry, is the fact that there is a high level of frustration, and I think rightfully so.

I think one of the biggest culprits against solving this drug problem is Washington, and has been Washington, and not only this Republican Administration; the problem existed when you had the Democrats occupying the White House.

They are not doing what they could do and what they should do. The President is wrong. I say that publicly and I would say that to him privately. It is a disgrace what he is not doing, and it is a double disgrace because this is a law-and-order administration. We don't have law, we don't have order, but we do have drugs.

I hear pronouncements by the administration about what a wonderful job that they are doing, and they point to the number of tons of drugs that they have seized. All well and good, but they will also tell you that if they seize 10 percent of all drugs aimed for our shores, then that is a successful enforcement year. What they are really saying to the consuming public, that if you can get 90 percent of the drugs that you want, then we in law enforcement feel that we are successful.

I saw a figure where they said they seized 18 tons of cocaine last year. If they did, that is part of 180 tons that probably did get through. When you listen to speeches from the Secretary of State, the Secretary of Defense, the President himself, rarely will you hear anything about drugs.

I have read published reports where the White House or some of the aides in the White House are gearing up for a major policy pronouncement on drugs, and staff is trying to tell the President what to say and what to do. Well, you know, I think it is ludicrous. He should know what to do. He should know what to say.

I think that the drug issue in this country has to be raised to the same level of commitment that he has the defense budget. The same level of commitment that he gives to the contras, because I think we in law enforcement, we are the real contras, and maybe if we went to the President and said we are fighting the communists—because the drug dealers are communists—that maybe we can get some resources. But it is not enough just to give rhetoric and say we are doing the right thing and at the same time drugs are flooding into this country, and not only ruining lives but ruining generations.

The biggest culprit in this "war"—because I really don't think it's a war, and if it is a war, the bad guys are kicking the hell out of us—the biggest culprit is Washington. It is Washington, D.C. My Federal colleague Bob Stutman is here and there are many things he can't say because he is part of the team, but they are hurting also.

I thank you for the opportunity to appear before you, and I will be available to respond to any questions you have.

[The prepared statement of Mr. Johnson appears on p. 227.]

Mr. RANGEL. Thank you, Mr. Johnson.

The statement from the Superintendent of the New York State Police, Donald Chesworth. We thank you very much for adjusting your schedule to be with us.

## TESTIMONY OF DONALD CHESWORTH, SUPERINTENDENT, NEW YORK STATE POLICE

Mr. CHESWORTH. It is my pleasure, Mr. Chairman and other Members of this distinguished committee. It is an honor to be here with you.

I would just like to say that I will keep my comments as brief as possible, limited to enforcement issues, and I would not for a moment attempt to discuss the educational question, which I think that Commissioner Ward certainly is the expert on.

Let me just say briefly that as I comment by way of background, let me say that my experience includes being an FBI agent, being a district attorney in upstate New York, and currently I also serve as the chairman of the New York State Organized Crime Committee for the Chiefs of Police and the International Association of Chiefs of Police Organized Crime Committee.

Mr. RANGEL. What are you in charge of now?

Mr. CHESWORTH. The organized crime committees of both the IACP and New York State.

Mr. RANGEL. Has the question of drugs ever come up on your agenda?

Mr. CHESWORTH. Absolutely, every meeting.

Mr. RANGEL. Do you make recommendations to the Congress and to the White House?

Mr. CHESWORTH. At least Ben Ward and I will have an opportunity this fall to vote on a number of resolutions, as you had requested earlier, and I guess I am new enough to be optimistic enough to think that maybe some of them will pass. I hope they will. But certainly all of the Superintendents of the State Police organizations in the northeastern United States have already passed a resolution, which calls upon Federal, local and state to do more to deal with this problem.

I think you will see that. I think that will see the light of day, and will maybe be of some help to all of us.

Mr. RANGEL. You mean you will let us know if and when you do these things, we will know it?

Mr. CHESWORTH. Absolutely, absolutely. Let me say at the outset that——

Mr. GUARINI. Will the gentleman yield for a minute? Mr. Chairman, I am just curious.

We always pass resolutions in the legislature and city councils and organizations. What do you do with resolutions? This is a statement of policy amongst yourselves?

Mr. CHESWORTH. No.

Mr. GUARINI. The chairman asked what good use you make of them. You send them to the White House. Do you send them to the Attorney General of the United States? Do you do anything affirmatively?

Mr. CHESWORTH. We do all of those things with them, sir.

Mr. GUARINI. What results do you get? Do you get any feedback? Do you have any reaction? Are there any positive results that you have got from any of these?

Mr. CHESWORTH. I think it depends on the nature of the resolution.

Mr. GUARINI. Let's take the drug resolution.

Mr. CHESWORTH. Pardon me?

Mr. GUARINI. The drug resolutions, what response? Just acknowledgement or are there meetings held following up your resolution? What do you do with them?

Mr. CHESWORTH. As Commissioner Ward indicated, there have been no such resolutions in the past, and there may not be yet, but I think that there will be.

Mr. GUARINI. I think it is noble to have the resolution. There is a difference between a statement of policy and action. All I am asking you, have the Chiefs of Police progammed for action or is it just a stated purpose?

Mr. CHESWORTH. I think it is difficult to state the purpose in great detail in that forum, but certainly the resolution calls upon the Federal Government to do more in securing the borders of the United States, both from the narcotics trafficker and the narcotics themselves. I think that is a key to what local and state police people are going to tell you.

Mr. GUARINI. I think you missed my point, but nevertheless proceed.

Mr. CHESWORTH. Let me say that the State Police in New York are currently in an expansion program that is greater than we have ever been in before, basically to enhance our ability to work with other agencies in dealing with narcotics investigations. We now have 200 people full time in that venture. By the end of this year we will have another hundred, and we are going through an expansion which is for us very substantial.

The efforts that we are making certainly in the city are in conjunction with the New York City Police, the DEA, with Sterling Johnson. In all the other areas of New York State we are also in a great number of cooperative ventures, and I think they are being very successful.

Let me say that crack is now appearing frequently in upstate New York, which is a phenomenon which has just started to happen within the last several months. All of our regional labs in Binghamton, in Newburgh and Olean and Albany are starting to see crack, and it is now statewide.

I think that while, as I indicated, things are going well, I too would not indicate to you that we are in the overall war, or battle, or whatever you want to characterize it, as being successful. Cases we were involved in the first half of this year, we seized 500 pounds of cocaine. That sounds like a lot, and it is 20 times as much as we would have been involved with three years ago. Yet it is 1/250th of what we assume is being imported into this country each year.

So I think that while we are doing a better job, while law enforcement I think is working much better together, while there are successes of the kind we have not seen before, we are faced with challenges that we have not seen before.

I point out to you the narcotics processing, cocaine processing laboratories that now are located within New York State. The largest laboratory in North America was found in upstate New York, capable of producing hundreds of pounds of cocaine each year.

I think that in a sense, that is a result of a successful Federal program. Yet the borders are still like a sieve, and I think that police often feel like they are standing in the bottom half of an hourglass, and the sand is falling on their heads, and they are trying to catch as many pieces of that coming through the funnel as they can, and yet the Federal Government is the only one who can control that funnel.

Mr. RANGEL. And you really think that there is no way for you to vocalize that concern. I agree with everything that you have said. How would you let your government know that you feel that way?

Mr. CHESWORTH. That is why we are here today.

Mr. RANGEL. OK. I appreciate your testimony. Maybe after you listen to—I am sorry, I interrupted.

Mr. CHESWORTH. No, go ahead.

Mr. RANGEL. Maybe after we listen to Bob Stutman, who is the best of the lot—and I am going to force him to say things on this record about the way our Federal Government is—maybe when you understand what their official position is, that you would own up that we are in a panic situation. And I say this to you, having been a former combat infantryman, that you know when the generals all start telling you that war is your problem, and that they are doing the best they can selectively, it just seems to me that all of you would get together and find out that if you improve the effectiveness of your forces 100 percent, it would be just like taking a bucket of water out of the ocean. It is going to go right back in.

That is a training program for young officers to go through and then retire. But when you are doing the best you can, and you expect that help is on the way, I can understand that. I can understand it. It is a holding action.

But when your problem is reviewed, and where you expect the assistance, you are told that you don't understand the nature of the problem, that basically law enforcement takes care of that part that is interstate, or to selectively break up large-scale conspiracies, but your job is to take care of the rest. You say, well, should I expect to get a couple of dollars for it? No. The way it works is that we are in tax reform. We reduce taxes. We raise two or three hundred billion dollars. We lower the rates, but we do that so that mayors and governors can increase their taxes. So that is where you go to take care of your problem.

And so you say, well, we don't make it, we don't grow it. It has nothing to do with anything. I mean that is not our job.

Now, that is official. That is not speculation. As Sterling Johnson said, that is not Republican. That is Democrat. That is Federal. And some may say, well, you don't want a Federal police force in your state. The Federal Bureau of Investigation chief, Judge Webster, told me that he appreciated the leadership that I was giving in this area, and I told him, I said, "Judge, if I am the national leadership in this area, we are in worse shape than I ever thought we were, because I thought that you were the guy that was supposed to be doing something."

It is bad, and like Commissioner Ward says, maybe crack is the answer. I don't know. It is not us. Maybe more deaths, maybe more drama, maybe something will shake us up. But my only point is that I thought there would be some way to get those who are closer to where the explosions are taking place to come together and say, "Depend on us to do our job." But don't expect that collectively throughout these states that anything is going to change without a different attitude on the part of the central Federal Government.

Let's hear from Bob.

Mr. CHESWORTH. I think that is what we are saying.

[The prepared statement of Mr. Chesworth appears on p. 233.]

Mr. RANGEL. Bob Stutman, we are lucky because you bring to us all of the prestige and experience of a national police officer, but you understand our streets, you understand our people, and certainly we are lucky in this region to hear the best of the Drug Enforcement Administration. Having worked so long with your agency and your predecessors, I don't think any country can expect any more than what you people have been able to do.

I hope that when you testify you will be able to help me, because it is my understanding that you have the same number of police on the national level as you had 10 years ago. It is my understanding that in many areas there have been severe cutbacks in the number of agents, and it is my understanding that none of your people, including Mr. Lawn, or Mr. Meese for that matter, truly expect that the problems that we are having in the State of New York with crack, murders, drug traffic and consumption, that these things ever get on your calendar.

In other words, you would help us if you could explain how you see your calendar as it relates to enforcement, enforcement of the United States Criminal Code, the violation of narcotics.

I say that as a former prosecutor, because I think it is safe to say that if somebody is selling cocaine, they are violating the Federal law, and I would like to ask in a very pleasant and unoffensive way, what responsibility do you believe that your office has in enforcing the violations of the Federal law in my district?

## TESTIMONY OF ROBERT STUTMAN, SPECIAL AGENT-IN-CHARGE, NEW YORK DIVISION, DRUG ENFORCEMENT ADMINISTRATION

Mr. STUTMAN. Thank you, Mr. Chairman. It is a pleasure to be here.

I appeared before this committee in November, and I remember both Commissioner Ward and myself predicting that at that time that crack was becoming the drug of choice. I think we both have said it. It is now the drug of choice for New York City.

I will tell you that I honestly believe that we are in the same position we were in the United States in 1967 with regard to drugs—in 1967—and I know that the drug problem in this country exploded. It left a fairly select clientele, and it became the problem across America.

I believe that four years from today, we will be doing one of two things: We will either look back on the good old days of 1985 and the drug problem, because crack is such an insidious problem, or we are going to look back and say crack was the drug that finally did it. We finally said, enough is enough is enough, and we finally did something.

I wish I could predict to you which way we are going to go. I don't know, but I honestly believe we are going to go one way or the other and I don't think we are going to drift as we have.

Crack is the drug of choice in New York City. It presents a unique enforcement problem to DEA, and I think the reason for that is one that you can appreciate. Crack comes from cocaine. Without cocaine you cannot have crack. All of the crack that is available in New York is made basically in New York. I can tell you, in off-the-record sessions obviously, who the six or eight major organizations are that control cocaine in this city. I can tell you that of my finite number of agents, I think it makes the most sense for me to go after the head of the snake, to go after those organizations who are controlling the cocaine that is coming into this city.

I then have to turn around and tell you, Mr. Chairman—and I think Commissioner Ward will agree with this—that there are probably 10,000 crack organizations in this city. There are no major organizations. There is no head of the snake for the commissioner or me to chop off. We have to go after thousands of little ones.

Let me give you a very salient example. We all talk about the media very regularly. I made a management decision when I came to New York less than a year ago that we will generally not call the press for any seizure under 100 pounds. It is not newsworthy in this town. That gives you an idea of the magnitude of the problem. We are talking about thousands today.

As of yesterday—even if it were 10 pounds, there are thousands of tiny dealers, and that makes our job in law enforcement that much more difficult. So what I am looking at, very frankly, is with the finite number of agents I have—and you know the number, which has basically not changed in the past three or four years—where do I put those agents? I agree with everything you have said and everything the Commissioner has said and everything District Attorney Morgenthau said. It is a serious problem on the streets, but every agent I remove and put on working street-level cases is one less agent that I have working on the major organizations and very frankly it is a decision that I am in the process now of making and I am not sure what the right answer is.

Mr. RANGEL. Let me interrupt. First of all, with the limited number of agents that you have, I am not asking you to do that. I just want you to state publicly what you have to do, and to state negatively what you cannot do. And that is if you took all of your agents and walked them through my district and you saw sales being made in violation of the Federal criminal law, there would be no arrests made, right?

Mr. STUTMAN. That is generally a fact.

Mr. RANGEL. And so when these local police say how can you not arrest, you would say, "Because the Federal policy is that we make larger cases." And when they tell you, "Well, this is Federal, this isn't local, we don't process cocaine, we don't grow cocaine leaves, we don't grow opium," you tell them that that may be Federal, because it is in the statutes; that may be Federal because the Congress passed it; it may be Federal because the President signed the law, but Federal policy is that that is local, right?

Mr. STUTMAN. That may be slightly changing. I am looking right now—and I am working with the New York Police Department and with Sterling Johnson's office—at a possibility, that we should have a slight change in that, but Mr. Chairman, when I came here 10 months ago I changed the priority of this office in New York, and you and Jack Cusack are very aware of that. I changed it from heroin to a much higher priority for cocaine. There were people who said you shouldn't be doing that, heroin is the problem in New York City.

If we change the priorities of DEA in New York to work local cases, people will turn to us and say, "You are abdicating the responsibility of the Federal Government"

Mr. RANGEL. You do what you have to do. I am just saying that then I should tell the people in my block as a Federal legislator that you deal in heroin because now the Federal policy is that they are not dealing in heroin, they are dealing with cocaine. In other words, because you only have the same number of people, you decided which parts of the Federal criminal code are going to be enforced and which parts are not going to be enforced?

Mr. STUTMAN. That is a fact, sir.

Mr. RANGEL. And my local prosecutors and my local police chiefs, not just in the city but throughout the country, will have to say: Well, it looks Federal to me, but I know officially now they are not going to deal with it. That is my responsibility as a local law enforcement official.

That is all I am saying, that you have to do what they tell you to do, and I am not trying to get you to deviate from that policy. I know one thing, that if I was a foot soldier having Federal officials telling me that that was my responsibility, I would find some way dramatically to try to have them come from the streets and explain how they can get away with it. I mean, not you. If you could package this and sell this, you know, in other areas—I can see now where the next thing the President should say is alert the National Guard, wiping out the military, because we have now decided that each state ought to protect itself. It is just a local thing and we will handle it.

In any event, whatever the policy decisions are made, we feel good that we have got a person like you to enforce them, and we feel better that you do understand the problems that our local people have. We feel better that you don't feel compelled to do it in front of television but that you could work with them as partners in this, and you could depend on this committee's continued support in trying to bring you more help with people like Stutman, not just with ideas that are created but more resources.

Thank you.

[The prepared statement of Mr. Stutman appears on p. 257.]

Mr. RANGEL. Ben.

Mr. GILMAN. Thank you, Mr. Chairman.

I would like to address the entire panel. We are going to have an opportunity to meet in a few days with our attorney general, and I would like to hear from you what you would address to the attorney general with regard to this critical problem, by way of the most important need.

Mr. WARD. I think it has already been said and it has been said many times. I personally am convinced that Ed Meese knows the problem, and knows that the Federal Government ought to be putting a lot more resources into this area, and that it is not strictly a local problem. I believe the choices are made between available alternatives and the Federal Government is just deciding that they are going to load this problem on to the localities and leave it to us to deal with these drugs, once they are in our localities, and they are not going to put the added resources in there.

A couple of years ago I was frustrated enough, before Bob Stutman came here, to threaten to pull my police officers out of the DEA since the so-called Federal Drug Task Force, I found out, had 90 New York City detectives in it including Federal agents and they were calling it a Federal drug enforcement task force. It seemed to me it ought to be called the New York City Drug Enforcement Task Force. Donald Chesworth had almost as many state troopers in it as there were Federal agents.

It is a political decision to load this Federal enforcement effort off onto local enforcement. You should not be surprised because they have done it in other areas. When state prison populations were going up, Federal prison populations were going down, because they no longer enforced the statutes against interstate commerce. That is an interstate commerce in New York, below certain standards, certain dollar amounts, they no longer enforce the bank robbery statutes unless there was a gun involved and it was a major bank robbery. So there is a deliberate policy that has been going on throughout this administration, and this is just another area where the Federal Government has said we can use the local resources and sometimes the State resources and you will do it locally.

Now, I have a choice of pulling out and doing it on my own and then setting up all of the duplication and conflict that existed years ago, or working along with a professional like Bob Stutman and complain from time to time that they ought to be putting more money in. I think Ed Meese knows that. I think he also knows that he should put more money in and use his influence to see that more money goes into the educational side as well.

Mr. Gilman. Commissioner, where would you apply those resources? You had mentioned in your testimony that if you were to double your effort, who would prosecute another 50,000 arrestees, and were would you put them when they are incarcerated?

Mr. Ward. We need judges in this effort more than we need anything else. The lack of judges here in New York State and the lack of resources to put judges on is probably doing more to result in a kind of a turnstyle justice of the street-level dealer than anything else.

You know this is not the first time around for crack, and it is not the first time a President had an opportunity to do it. It is not widely known, but crack or something very similar to crack was on the market going back to 1895.

Mr. Gilman. The judges tell us that unless we have more prisons, they can't sentence them.

Mr. Ward. I have been a prison administrator four years at the State, four years at the City. I have never attended a conference nor do I know of any conference that has ever been held in this country between judges and corrections administrators or any other level of law enforcement telling those judges don't send people to prison because there is not enough prison space. That is not the problem of the judiciary. Their job is to carry out their responsibility, and you want to see how fast New Jersey and New

York and New Mexico for that matter will build additional prison space, if judges commit people to prison.

Mr. CONYERS. Would the gentleman yield?

Mr. GILMAN. I yield to the gentleman.

Mr. CONYERS. This comes to me as some news, Commissioner. I understand that half the corrections systems in the United States are under court orders of one kind or another for precisely the same problem that I thought I heard you say doesn't exist.

Mr. WARD. No. What did you think you heard me say?

Mr. CONYERS. I thought I heard you say that there has never been any overcrowding.

Mr. WARD. I never said that. I said there has never been a conference between judges and corrections offficials telling judges not to sentence people to prison because there is not enough prison space. That is not their concern. The prisons are the concern of the executive department. The judiciary has the responsibility to carry out the law.

Mr. RANGEL. What happens when they carry out the law and put on your other cap as the commissioner of prisons, and they say, well, the police now have arrested a thousand more people. The judges understand that we have got to give them a thousand more years, and so they bring the vans in front of your prison. What do you say? You carry out the law but what do you do? You are under court order to reduce your prison population.

Mr. WARD. You do a variety of things. You are not going to take them in, necessarily, if there is not room in the state prisons. You will first do exactly what New Jersey and New York did—you will back up on the local systems, and you force the local systems to go into court as we had to do in New York and they did in several places in Jersey, sue the state and force the state to build additional space. New York did that. They built the additional space.

When I was the corrections commissioner, we had 22 prisons. Today there are 52 prisons in New York State. The State had to build additional capacity because there were additional people being sent to prison. But that is not the concern of a judge. As soon as the judge interposes himself into that decisionmaking process, he is stepping beyond his grounds.

Mr. RANGEL. As a practical matter, you pick your words very carefully in saying that never in eight years on the other side of the prison system have you heard this at a conference. Do the judges say that they do consider the prison population in sentencing?

Mr. WARD. I have heard them say it.

Mr. RANGEL. Because I know that the prosecutors consider their caseload in terms of which ones can go to trial. The judges consider their caseload. So even though you are saying—and I agree with you—don't your police as a practical matter have to make priority decisions? I mean, they just can't enforce every provision of the criminal code?

Mr. WARD. Congressman, they have no information on the state of crowding in the prisons. They don't have it. That information is not given to them, and you know that the judges in this state, at least probably in all states, have very independent contacts. They don't get together with their administrator and say, well, have you checked on the available prison space today and see whether or not there is any space? The nearest thing to any kind of consideration like that is in the family court, certainly not in the supreme courts of this state. They handle their cases independently, and separately and it is not for them to make those kinds of considerations. It is for the executive department to be forced to build that space.

In this city, when a Federal judge says you will not maintain jails that are unconstitutional, we release 630 prisoners, and then we built another 5,000 prison spaces, because we were not going to take, at least the mayor wasn't going to take the political heat of another prison release. And so the dollars are found and you build the space.

Mr. GILMAN. Commissioner, in your testimony you say, "Increasing the policeman power without increasing justice, prosecutors and jail space plays a cruel joke on the public." I assume you are talking about more resources and you are talking about across the board in all of those categories?

Mr. WARD. That is exactly it. But right now in New York City the major need is for judges. Now, once you put judges on, you are going to have to put court officers on, possibly prosecutors, although I think Mr. Morgenthau——

Mr. GILMAN. Are you talking about criminal court judges?

Mr. WARD. I am talking about criminal court judges. There is a critical need in New York City for criminal court judges at this time.

Mr. GILMAN. How many more judges would you need, would you say?

Mr. WARD. The last time around I think they asked for 23. How many were approved?

Mr. MORGENTHAU. Twenty-two over three years. We need 40 more.

Mr. GILMAN. You need 40 more judges?

Mr. WARD. Yes.

Mr. GILMAN. And was the request made of the State legislature?

Mr. WARD. Yes.

Mr. GILMAN. Did they come through with any additional?

Mr. MORGENTHAU. They appropriated the money but they never authorized the additional judges.

Mr. GILMAN. What would seem to be the holdup?

Mr. MORGENTHAU. Political fight.

Mr. WARD. A political fight as to who is going to make the appointments.

Mr. GILMAN. Mr. Morgenthau, what would you recommend as attorney general?

Mr. MORGENTHAU. To the Attorney General, I want to make it clear that I think the Drug Enforcement Administration is a very professional organization. They do a very good job with the resources available, but they are just way, way understaffed to deal with the problem of the magnitude we now have.

We have had a lot of talk about what the Federal Government is doing, but the statistics show that in 1976 there were 4,500 prisoners in the Federal prison system on drug charges, and in the end of 1985, 10 years later, there were 4,500 prisoners. So, I mean there has been no increase in the number of prisoners going to Federal prisons in 10 years.

Into Wayne County, for example—Sterling and I talked to John O'Hare there yesterday. He is desperate because of the flood of drugs coming into the city. I looked at the prison statistics for the Eastern District of Michigan, and last year the Federal prosecutor there sent 60 people to Federal prison. That is just a drop in the bucket compared to the problem in the City of Detroit.

Last year, in New York, the United States Attorney for the Southern District sent 242 people to Federal prison, and they are going to serve an average sentence of a year and a half.

Mr. GILMAN. You are saying that is all related to understaffing of the DEA there?

Mr. MORGENTHAU. That is part of it. The Customs Service is part of it. Part of it is Immigration. All of the law enforcement agencies that make Federal criminal cases.

Mr. GILMAN. They are not doing enough; just don't have enough—they are not doing enough because of a lack of manpower to accomplish it?

Mr. MORGENTHAU. That is right. I have no criticism with the agencies' efforts with the resources available.

Mr. RANGEL. It is a problem of policy, and the Federal Government has determined that is a local problem. The Federal part of it is high-level conspiracy. So it is not a question of lack of manpower.

Mr. GILMAN. Well, Mr. Stutman, do you want to comment on this? Is it a lack of—why will you have less cases in the Federal courts than we have in our State courts? Is it a lack of manpower? What is the problem?

Mr. STUTMAN. New York City Police Department, which I honestly believe is the best in the world, last year made 57,000 arrests—I think it is about that—57,000 drug arrests. DEA probably nationwide—I am not sure what the number is, but I think something the Chairman said was very accurate. With the build-up of DEA—we have built up significantly during the past five years. We have today the exact same number of agents we had on January 1st, 1976.

Mr. GILMAN. Well, is this a policy consideration about the kind of cases you handle?

Mr. STUTMAN. The policy is, I think very simply, with a finite number of people, you must decide what kind of cases those people are going to work. It is that simple. If I had an unlimited number of people, if I had 10 times as many agents as I have in New York today, my policy would be to work top, bottom, and across.

What I am trying to do is balance off the major cases that we have—when we make 10 arrests, have the largest effect versus working at the lower level on the street with Commissioner Ward's police officers.

What I am saying to you is, I can't tell you what Washington policy is. Thank God, I only have to worry about New York. I can tell you what my policy is, Mr. Gilman.

I have X number of agents, and I have to make the decision with those agents at what level do I place their time and where can they do the most good for the citizens of New York.

Mr. GILMAN. You are being selective in your cases?

Mr. STUTMAN. Absolutely, just as Commissioner Ward is selective in the laws they enforce; just as any Police Department deems it appropriate they won't necessarily enforce the law for everybody who goes 26 miles an hour rather than 25 miles an hour. Every law enforcement officer has to make a judgment with our finite number of people: Where do we utilize those people for the most good of the citizens?

If you say to me you have as many people as you want, my policy will change tomorrow, absolutely. So, in a way, I am supporting exactly what Mr. Morgenthau said.

Mr. GILMAN. How many agents do you have in your district?

Mr. STUTMAN. 300.

Mr. GILMAN. How many more could you practically utilize?

Mr. STUTMAN. We could certainly use a lot more, sir.

Mr. GILMAN. Have you made a recommendation for additional agents?

Mr. STUTMAN. I talk to Mr. Lawn on a regular basis. He is well aware of the problems in New York City. We had a meeting here three weeks ago specifically on Crack. It was the first national meeting on the Crack problem, basically in New York. We are in the process of devising national DEA policy. However, there are only 2,500 DEA agents in the world.

Mr. JOHNSON. 2,400 and change.

Mr. GILMAN. Given the Crack distribution, are there interstate ties? Is there sophisticated narcotics rings?

Mr. STUTMAN. No, sir. Right now, it is our best information that most Crack dealers are operating fairly independently. They are basically ma and pa operations. There may be some organizations, but nothing like the major interstate and international organizations that are controlled by the Colombian cocaine traffickers.

Mr. GILMAN. Sterling Johnson, what would you recommend to the Attorney General if you were to see him tomorrow and say this is what we need?

Mr. JOHNSON. I would say to him, "Attorney General, you understand our problems. You understand our needs. As soon as we finish this conversation, I would like for us to go over to the Oval Office and you act as an advocate and spokesman for us, and ask the President to get off the dime and to make the drug problem a top priority."

You wake up in the morning, this is on your mind. You go to bed at night, this is on your mind. And put your money where your mouth is. Trying to solve the drug problem without putting resources in is like trying to take a bath without getting wet. You just can't do it.

I would ask the Attorney General to be an advocate for State and local people.

Mr. GILMAN. Do you have a backlog of cases?

Mr. JOHNSON. Backlogs of cases, I certainly do.

Mr. GILMAN. How much are you backlogged right now?

Mr. JOHNSON. I can't take all of the cases that Ben Ward brings me. He can make more arrests than I can handle, within, say, double my indictments, within three years. And I handle just the felony cases. The bulk of the cases go to Bob Morgenthau, which is something like 20,000 or 30,000 cases.

I had 2,000 indictments at the end of June. I project I will have 4,000 indictments at the end of the year. I was going at a clip of 400 indictments per month. I have more search warrants that I issued out today than I had all over last year, and the majority of those were for Crack.

Mr. GILMAN. How many did you have last year?

Mr. JOHNSON. 3,100 last year.

Mr. GILMAN. Mr. Morgenthau, how many indictments in narcotics does your office get into?

Mr. MORGENTHAU. We do them jointly with Sterling. About 50 percent of his staff are New York County Assistants. So, we run it as an annuity. So, that is a joint operation.

Mr. GILMAN. Well, then is it the operation of that unity between your office and Sterling's that handles all of the narcotics indictments?

Mr. MORGENTHAU. All of the felony narcotics. My office, New York County, handles all the misdemeanor cases, and we will handle about 25,000 misdemeanor narcotics cases this year. And we also handle all of Sterling's appeals. If he gets a conviction, we defend him.

Mr. GILMAN. Sterling, how many prosecuting attorneys do you have?

Mr. JOHNSON. Between 50 and 60 for the whole City of New York. When we talk about New York, we talk about any place in the world that touches New York. We have cases that involve foreign jurisdictions, also. We work with virtually every law enforcement agency that has any dealings with narcotics up to and including the FBI and the Drug Enforcement Administration.

Mr. GILMAN. Have you made a request for additional prosecutors?

Mr. JOHNSON. I always make requests for additional prosecutors.

Mr. GILMAN. How many more would you be able to utilize, approximately?

Mr. JOHNSON. 300, for a figure.

Mr. GILMAN. Superintendent Chesworth, what would your recommendation be?

Mr. CHESWORTH. I would echo the words of the other gentlemen here. I would also say that I think of critical importance is the integrity of the borders of the United States to prevent the flow of the narcotics, the cocaine, whatever the other illegal drugs are.

Mr. GILMAN. Are we having a problem along that Canadian border in the northern part of New York State?

Mr. CHESWORTH. We believe we do. We obviously have a problem on Long Island, a problem in New York City, a problem in Buffalo, and they are all international borders where we and the local police do not have the authority to act as Customs agents or to act as border patrol people, or to act as INS investigators. So, those areas, the area of illegal aliens and the raw products which now are being shipped into this country and converted to cocaine, and later converted into Crack, that is how it all happens; and an effort ought to be made, a real effort ought to be made, to make the borders of this country secure—the border along Mexico, the West Coast, the East Coast, Florida, all of those areas.

Mr. GILMAN. Thank you, Mr. Chairman.

I thank the panel.

Mr. WARD. May I just make a point? They spoke of 25,000 misdemeanor cases. Most of that 25,000 misdemeanors started out as felonies, but because of the lack of capacity to handle them as felonies they are cleared as misdemeanors.

Now, that might seem appropriate except that these networks, if you read the paper tomorrow and see how this operation was that we took down last night, and we had a press conference on it this morning, you will see that this person is dealing in the kind of wholesaler, and he has got—in Washington Heights, out of three different houses, and then he is feeding a whole network of people on the street that are making felony sales of drugs.

Now, those drugs, they are felony sales, but they will be disposed of as misdemeanors, and they will turn right around and be right back out on the street on time served between arrest and arraignment.

Mr. GILMAN. Is there any sentence for a misdemeanor sale?

Mr. WARD. Sure. But we have no trial capacity because we have no judges.

Mr. GILMAN. How should we handle it?

Mr. MORGENTHAU. We are only able to try about half of one percent of the cases, so it is Russian roulette. Every department knows there is only one chance in 200 of his being tried.

Mr. GILMAN. How do you dispose of those?

Mr. WARD. You put them back out on the street for me to rearrest them.

Mr. MORGENTHAU. To be fair, last year we sent about 3,500 of those people to local jails.

Mr. GILMAN. Do you fine them?

Mr. MORGENTHAU. It is up to the judge. If they plead guilty, we have no control. There are no mandatory minimum sentences. If they plead guilty, the judge can do anything from unconditional discharge to a year in jail. Unfortunately, the more experienced the defendant, the better he knows the system and the tougher bargain he is going to drive with the judge.

See, we have 90 days under the Speedy Trial Act to try those cases, and a smart defendant knows all he has got to say is, "Jury trial, Your Honor," knowing that there is no jury part available. We only have six trial judges in the trial part, so that is just not enough.

Mr. GILMAN. One-half of one percent of all your misdemeanor—all your felony, or misdemeanors?

Mr. MORGENTHAU. Misdemeanors.

Mr. WARD. But they start out as felonies, the vast majority.

Mr. GILMAN. One half of one percent of your misdemeanor cases go to trial, and the rest of them are disposed of by plea?

Mr. MORGENTHAU. That is right. The sentences by and large are inappropriate.

Mr. GILMAN. Up to what amount of narcotics could be involved in the misdemeanor charges?

**Mr. Morgenthau.** It is very small. They are street sales. They are small amounts of narcotics.

**Mr. Ward.** They are street sales.

**Mr. Gilman.** The average Crack sale could be a misdemeanor sale?

**Mr. Morgenthau.** Seventy-five percent of the Crack sales are treated as misdemeanors.

**Mr. Ward.** But by statute they are felony sales.

You asked, what do you do? It goes something like this. A Rigby cartoon the other day, the judge will turn to the defendant and say, "Is there anything you would like to say before I let you go again?"

**Mr. Gilman.** I yield.

**Mr. Guarini.** It seems what we are talking about is a breakdown in the administration of justice; that there is no deterrent out there; that the problem is very pervasive because we have made it possible for crime to pay. And there is an awful lot of money in it; and, as much commitment as you people have to law enforcement, there isn't any out there.

I just wish that the Governor and the Mayor could have sat through all the testimony and listened to what has been happening in the school system and the law enforcement end of it, because I truly don't feel they have the full picture off the top where they have to make the decision.

I think it is quite commendable that you have worked so hard with so few resources. But, by the same token, law enforcement is an important part of the problem. We have been told even in New Jersey, with Mr. Grelish—who is a U.S. District Attorney over there—that he even closes files. They don't even get a misdemeanor. He closes files because he doesn't have any resources whatsoever to follow them through. It is a deplorable state of affairs. As I heard someone say up here, it is a mockery of justice.

I am just wondering whether or not the system is all wrong. People talk about education; that is fine. That takes many, many years. Crack is going to have a much bigger hold before we are able to educate all our young people to stay away from it and solve some of our social problems and get to the root of whatever the social causes are. But it has been said early in the day that education is the way.

If you had your preference, would you think—or, is it your opinion—that if you had only to rely on one source, that education would be the prime source? I believe it was the Governor who said that, if I had all my choices between law enforcement, interdiction, destroying the stuff at the source, or education, and I only had one way to go, I would go by way of education.

You are in law enforcement. What is your opinion about that?

**Mr. Ward.** I think we watch too much TV. It starts to make us think in terms of these one-way solutions. Obviously, the drug traffic is a very complicated phenomena. There is no one answer.

Education is one part of an answer, enlightenment. Enforcement, that is what you need.

**Mr. Guarini.** I know we all need all the parts of it, but I am wondering if law enforcement has been turned into a joke as far as our country is concerned.

Mr. **Ward**. To a large extent, it has turned into a joke over a very long period of time. The police can make the arrest, and it is easier for me to get police than it is for Sterling or Mr. Morgenthau, Sterling Johnson or Mr. Morgenthau, to get assistants; and it is easier for them to get assistants than the court administrators to get additional judges. So, if you don't feed all of the system, you are not going to have a system. You are going to have a breakdown.

Should I stop making arrests? I am not going to stop making arrests. Congressman Rangel isn't going to allow me to stop making arrests up in his district. I am going to make them.

I don't sit here and talk to him about it, but I see the problem there. I have to do something about it, because his constituents are not as sophisticated as the people in this room, and they say what Congressman Rangel has said several times here: The police officers and DEA agents see the drugs being sold on the street. Why aren't you doing something about it, Commissioner? If you are not doing something about it, Bob Stutman, you must be taking money.

We are not taking money. We made almost 57,000 arrests last year. We are doing something about it. But, in my statement, it says it is a cruel joke on the public if you do not put enough resources into the system so that something happens with that arrest other than me processing them in the station house, bringing them to a court pen, and then ultimately before a judge, and the judge saying time served, "How do you plead?" And he says not guilty, goes back out, inside, talks some more, they come back, they lower the plea, they lower the system, he comes back and he gets time served and walks out.

Mr. **Rangel**. Let me say, if the gentleman would just yield, John Conyers was just saying how frustrated he was because this panel is the cream of the national crop; that each and every one of you are considered by your peers throughout the country probably as having a handle on this because of your experience and background.

Maybe what we can do—and forget the congressional thing—is some time after the tax bill, find out what can the other part of government, the Mayor and the Governor—if we can get the Mayor, the Governor—Fink and Martin Anderson together—that is my speaker—maybe we can maintain some of the self-respect that we want to have for ourselves in just getting together, and again not pointing fingers, but saying that if the whole damn thing collapsed because of one big hole in the system—leaving you out of this stuff; we are talking just local, State stuff here—maybe they would be willing to pick up a piece of this, and see what they could do, because it is embarrassing.

Mr. **Gilman**. Mr. Chairman, if you would yield, what we are talking about the last few minutes is primarily some State responsibility here. You are talking about more judges, State responsibility. We are talking about more prisons, State responsibility. We want to help that area. But the major responsibility seems to me to be in the State jurisdiction.

Am I correct, or am I wrong?

Mr. **Morgenthau**. Can I answer that?

I think what we are trying to say is this: You know, we are tremendously overburdened. I mean, last year we sent 5,000 people to prison or jail from one county, from New York County. That is still a very small percentage of the total number of people that are being arrested. I think what that shows is that we cannot effectively deal with the flood of drugs that is coming into this country.

When the amount of drugs in this country goes up from 25 tons in 1980 to 125 tons in 1985, we can't deal with it. I think that is what—obviously, we have got a local, State responsibility, and we are trying to deal with it. But we can't deal with the volume of drugs that are coming in here. That is the point.

Mr. GILMAN. No question, Mr. Morgenthau, on the border integrity and eradicating the source and more Federal agents. But, when you talk about more judges, that is so critical.

Mr. MORGENTHAU. That is a State responsibility, no doubt about that.

Mr. GILMAN. When you talk about having more funding for education in our area, we are talking about State responsibility.

Mr. GUARINI. Would the gentleman yield?

Mr. GILMAN. Please to.

Mr. GUARINI. I understood the Mayor to have said this is such a severe problem and such a breakdown, it should be a Federal responsibility; that the crimes should be made a Federal crime.

Mr. JOHNSON. It is a Federal crime.

Mr. GUARINI. But let the Fed do the judicial part of it; let the State do the investigation, the arrest, and have courts which will just address themselves to the Federal crime itself and trial.

Now, that is what I understood his thrust to be, to put more emphasis on the Federal judiciary.

Of course, I don't understand the nuances that exist in this city.

Mr. RANGEL. We hope that we can get together and maybe get a one-sheeter in terms of where the clog is in the system, and see if we can put together our resources and put together some pressures to unclog that. That doesn't take away, Bob, the problem we are going to have without the Federal Government responding. But the one-half of one percent problem, the integrity of the system and people knowing they are not going to do time, much less go into court, it is a rough one.

Mr. WARD. Mr. Chairman, can I just comment on something you said? Something you said, I don't want you to forget it as this hearing comes to a close.

The idea of having what I will call, quote, unquote, "a retreat," in which you bring Stanley Fait and Warren Anderson, the Mayor, the Governor, and whomever else controls this, along with maybe this panel—because I believe you are right; there are many of the elected officials here that have so many things to do outside of New York City that they really are not familiar with the extent of this problem and the extent of the collapse that is taking place in criminal justice, and not just a shift, as Mayor Koch says, over to the Feds.

That is nice, but it is not going to happen. We are going to be stuck with the problem. And you have to understand you just can't appropriate money and fold up to Albany and go away from the summer. We are stuck here with this problem. And school is going to open in September. We have to have some way of dealing with that or you are going to have major problems around the schools, much more than you had last year, and it was bad enough last year.

Mr. RANGEL. Maybe so that we can facilitate this meeting, we will use this hearing as the basis of us asking you the questions as to why is the system not working, and then whatever testimony we extract from the record, rather than say you called for a meeting, is the reason we would be responding, in seeing if we can be of assistance. So, it is not as though you requested it; it is just we feel it is part of our responsibility to better understand it, see what resources are available.

Thank you again.

I am sorry. John Conyers.

Mr. CONYERS. A question and a statement, because our time has really gone by.

First of all, my thanks to the panel. I think this is a very important statement and exchange that has gone on here in this room today. What we really are talking about is the need for reorganizing the criminal justice system as it has existed up until this point. That is what all this is leading up to in different stages.

I think that we need, before we talk about a new policy for Washington, we need to meet and understand the real dimensions of all the things that have been said here by you and by others here before you, because it is really deeper than just the drug crisis. It goes to the heart of the whole system.

There are so many interlocking agencies and parts of this that we really have to look at it all over again.

I think you have done an excellent job of spreading it before us. If a Third World country operated the way we know that we operate, it would be a laughing stock. In the editorial page, they would be hauling it up to talk about it, that they are not ready, and isn't it pathetic how these people are not able to control their social systems with any more integrity than this, and so on.

But the question that I would like to put before you all is this: What is the relationship between organized crime, the white collar criminals, the Mafia, if you still use that term, and the relationship between the drug epidemic? I don't want to leave the impression that they are all a lot of little people out here doing it, which is well-known and understood; but give me some indication of how big the syndicates, the international cartels, and the heavy duty multinational operators are, to the best of your ability.

Mr. JOHNSON. If you are talking about Mafia, Mafia is still in drugs. If you are talking about cocaine and you are talking about a person who is making $10,000 a day selling drugs, then that is an organization, and that is what I would call organized crime. It is not the monolithic type movie situation that we would normally think about, but I say that is organized crime.

It is not just the Italian Mafia that is in organized crime. We have blacks, we have Hispanics, we have the Colombians, we have the Dominicans, we have the Mariel Cubans. They are organized crime and they are running drugs in New York.

You also have some sophisticated organized criminals who are laundering monies for some of the more sophisticated drug dealers. So, organized crime is in drugs. But it is not the traditional "Godfather" movie organized crime as the American people somehow think it is.

Mr. STUTMAN. Mr. Conyers, I would like to make sure the record is appropriately reflecting—when I was talking about lots of small dealers, I was specifically talking about Crack. Mr. Johnson is absolutely right. Traditional organized crime is traditionally involved with heroin. Cocaine is controlled by huge organized cartels, generally Colombians, but the sellers of Crack we see are a myriad of small organizations rather than the large cartels we see in cocaine and heroin.

Mr. WARD. I would echo what they said and add to it the Pakistanis and some of the Indians are coming in with heroin as well with some organizations but not the organization as sophisticated as the old five families here in New York, the Mafia.

Most recently we are seeing Asians coming in. We had contract to buy 300 kilos of probably the highest grade heroin we would have gotten into this area in a long time and that stretched from New York to Houston to the West Coast.

So we see asian nationals, particularly Chinese, getting involved in it as well. But they don't have the long history of networking that the old five families here in New York had, commonly called the Mafia, or Cosa Nostra. It is there. It is organized.

You can see Colombians dealing with Cubans in Florida, transshipping it north, sometimes to Colombian families here in Jackson Heights and Congressman Rangel's district becomes a retail center and they will deal with Dominicans in Washington Heights and then it is dispensed out from there all over into blacks, Puerto Ricans, anybody that wants to buy it can buy any small quantities.

Mr. JOHNSON. We face a real problem when these organized crime figures who are dealing in cocaine realize how much money can be made off Crack, and when they start saying, Hey, instead of selling a kilo of coke, then I will break this coke down into Crack and I will sell it, and how much money they will make then.

Mr. CONYERS. That is what I am beginning to think. These fellows are business people.

Mr. JOHNSON. Very smart business people. They seize every advantage they can.

Mr. CONYERS. With the Crack epidemic, I can see the sophisticated international dealers saying, We are going to let this stay local and let the kids handle this. It doesn't take them long to take that over, too.

Mr. MORGENTHAU. You had better seal the minutes, Mr. Chairman, so they don't find out.

Mr. CONYERS. I think everybody in this room won't tell if nobody else does.

Let me ask you about civil and criminal RICO, and how effective a statute that is in the Federal system.

Mr. STUTMAN. The most effective law that we use under the Federal statutes is the continuing criminal enterprise, which basically says if a person directs five or more people and makes substantial profit from drug trafficking, there is a mandatory minimum ten years in prison, no probation, no parole. It is certainly the most effective statute we have. It is used very, very regularly by Mr. Giuliani's office and Mr. Malone's office, and it is the one we strive to make on most of our cases.

I, of course, have to point out, Mr. Conyers, that putting together one of those CCEs is very often a multi-year investigation. But clearly it is the best tool we have under the Federal law.

Mr. CONYERS. Is it less complicated than a RICO prosecution?

Mr. STUTMAN. Yes. In a lot of ways it can be. It just takes an awful lot of leg work to put them together. But it is clearly an excellent tool.

Mr. CONYERS. Thank you very much.

Mr. RANGEL. This has been an outstanding panel. I want to thank you for your patience. You have made a great contribution to our understanding of the problem.

Our last panel is Dr. Robert Polk, executive director, Council of Churches of Greater New York; Dr. Beny Primm, executive director, Addiction Research Corporation; and Senator David Patterson, New York State Senator.

## TESTIMONY OF DR. ROBERT POLK, EXECUTIVE DIRECTOR, COUNCIL OF CHURCHES OF GREATER NEW YORK

Mr. RANGEL. Dr. Polk, I read your testimony and one of the major reasons why we invited you, Cardinal O'Connor and Rabbi Friedman, was because some of the members of the committee had felt that in addition to being an international and national crisis, that is the drug abuse and the drug crisis, that it was a moral crisis as well.

Some of us have not really recalled reading where our national religious leaders have called upon the government to either do more or to work with them in what they are doing. We had a problem with the Archdiocese but we are certainly glad you were able to come.

Mr. POLK. Thank you, Congressman. It is a pleasure to be here and to be with the members of your panel and to share this platform with my two distinguished guests on either side. I appreciate the opportunity to share in this crisis that we are all faced with and confronted with.

As you may know, we just came from Washington, DC, where we were members of a panel having to do with AIDS in the black community. I had a much longer speech to present and to share with you but at each step along the way, we began to cut back and cut back and cut back so now I will just share some of my general thoughts based upon some of the testimony that has already been given and some of the things that are closest to my heart and my mind.

I think it would be helpful if I started out by saying that the Protestant Council, which is now the Council of Churches in the City of New York, really represents about 1600 churches, about 300,000 citizens or individual members. The Council of Churches, the Protestants, rather, in New York City are 80 percent black in this city and 90 percent of our Protestants are non-white; therefore, as a person of color, this crisis that we are confronted with today is doubly important to me in terms of how we approach it and what happens in the future.

The Council has already gone on record for pulling together some of the Protestant and Eastern Orthodox religious leaders in that on the 30th of this month, we will be having a morning seminar with the state Division on Substance Abuse, Julio Martinez, and clergy and some lay people, which I think will be one of our very first initiatives and first steps in trying to come to some comprehensive understanding of what is going on.

Mr. **Rangel**. What date is that, Doctor?

Mr. **Polk**. The 30th of July.

Mr. **Rangel**. Where will that be?

Mr. **Polk**. Fordham University at the Lincoln Center Campus from 8:30 until 11:00 in the morning. We think it is important. And to some degree I would agree with Commissioner Ward with his statement that the churches have not yet become involved. On a larger scale, this is true. Some individual clergy certainly have involved themselves and their communities in trying to stamp out Crack, clergy against Crack. But in a larger context, that which would encompass the Council of Churches, not much has been done.

We have been baffled and buffaloed in terms of what to do. Not only that, as you well know in your work, as we know in our work, there are so many critical issues that are involved in this whole area of substance abuse that it is hard to know, it is hard for clergy to decide what their priority is going to be.

There are AIDS problems and housing problems and homelessness and hunger and education and school dropouts and nuclear free harbor and the arms race. All these things take a great deal of our attention and our time, racism, sexism and other issues that go with it. It is hard to find local pastors who can really give themselves to yet another issue as critical and as important as this issue is.

However, sometimes what we are talking about from my point of view and from the point of view of the ecumenical forces in this city is that we should try to come together on some ecumenical comprehensive or inter-faith basis to try to work together and find new ways to attack this problem from a moral, spiritual, pragmatic way, which says that the faith communities can indeed, and ought to be involved in this whole issue.

We need to think about it in terms of saving our children now and to think about it in terms of saving our communities now.

We have talked so much this afternoon about the statistics, about law enforcement, about the crime element and criminal element involved here, sometimes what we are concerned about along with those other issues has to do with the individuals, the personalities, the victims, if you will, and what we as faith communities can do to help in those areas.

I think as the religious communities have come together in the areas of housing and homelessness and hunger and other issues, we certainly indeed can come together on this issue. I would certainly like to see, though I cannot speak for them, I would love to see the three major faith communities mount a major assault against Crack, if you will, the Diocese of the Roman Catholic Church of Brooklyn and New York, the Board of Rabbis and the Council of Churches and any other faith communities that would like to work with us to really mount some major campaign that would say at least the churches are behind your effort in terms of advocacy, in terms of setting policy, in terms of being spokespersons, and in terms of speaking out against this critical issue that is confronting us.

You have stated it, others have stated it, that seldom has the religious community on this scale come together collectively and addressed a major issue. I don't know why. We have called for it and there are hangups someplace along the way. These hangups happen not to be within the Council of Churches of the City of New York. I think the Church's role is to help government and policy setting, help to educate the constituency, as has been pointed out here this afternoon, and to create programs of prevention and care giving.

I would like to see our organization begin to do something along that line as we hope this will be an initiating step on the 30th of July to work with local churches or clusters of churches in community school districts in such a way that we can have at least one or two that would be open centers or drop-in centers where we would train the best clergy person that was available in that community to be trained for counseling, for working within community circles, to begin to work on a grass-roots basis. I think it is possible.

I think the use of education time and our worship services and celebration times, working more specifically with young people's organizations, working with government sources with the education people of our society, linking churches together, is about the best way we can begin to facilitate enabling the kinds of things you are talking about here today so that the religious communities will indeed not be left out but they will enhance and be a part of the major effort that is so valiantly needed to alleviate this problem.

Thank you.

Mr. **Rangel**. Thank you, Dr. Polk.

I should feel free in contacting you to see what I can do, maybe the mayor and the governor, in facilitating that hope of yours that we could bring religions together.

Mr. **Polk**. We will contact you also.

[The prepared statement of Mr. Polk appears on p. 270.]

Mr. **Rangel**. Dr. Primm, it is always good to have you back. You probably have us all beat in longevity for solutions for this serious problem, and we appreciate the fact you are here with us today.

## TESTIMONY OF DR. BENY PRIMM, EXECUTIVE DIRECTOR, ADDICTION RESEARCH CORP.

Mr. **Primm**. I am going to try to be brief, Mr. Chairman. I want to thank you, first of all, and the members of the committee for allowing me to come before you to update you on AIDS. I think that I have about three things that I would like to call to your attention. You already have the printed testimony and that is complete. I won't go through the whole thing.

Mr. **Rangel**. That will be put into the record.

Mr. **Primm**. Let me cite some statistics. The CDC has now reported that there are 22,173 AIDS cases as of June 30th in the country and that 12,186 of those have died.

Now, I had the pleasure—I guess it is a dubious distinction, of being chosen as one of the leading researchers or knowledgeable persons in the country on AIDS and intravenous drug abuse and was invited to a conference by the U.S. Public Health Service at Berkeley Springs, WV at Coolfont to discuss for three days what would be the plan of the U.S. Public Health Service in dealing with this devastating problem for the next five years and what is predicted for the year of 1991. They predict that there will be 155,000 to 220,000 cases, and that there will be 142,000 to 201,000 deaths. Now, that is to me a crisis situation.

It is of particular interest to me and particularly here in the Harlem community and your 16th Congressional District. The reason for that is Harlem now ranks number three In the N.Y.C. for having the highest number of cases of AIDS to die, 52 per 100,000 people. It is quite a dubious distinction that something like this should happen and this great state ought to do something about it.

There is not one—and I say that with great emphasis and underscore it—program in Harlem for prevention and education in AIDS.

Dr. Polk's New York City Council of Churches was very noble enough to see a need there, and to start a program that I have helped him with. But that is the only program. There is no effort on the part of the City of New York and there is no effort on the part of the State of New York—and I can't say that too loudly nor too clear for you to hear, so that maybe you and some of your colleagues can do something about that.

Mr. RANGEL. What percentage of our AIDS cases are IV——

Dr. PRIMM. In New York City, 35 percent of all the AIDS cases are intravenous drug users, and that is a very high number, also. Nationally, 25 percent of our cases are IV drug users.

Actually, the CDC, states that 17 percent are; but they don't count those people who are using IV drugs can be placed in other risk groups. So, about another 8 percent are IV drug users. We have a great deal more here in New York City in terms of percent being intravenous drug users than they do elsewhere in the country.

Sixty-one percent of all the babies born that have AIDS are born to mothers that are black. That is an alarming statistic. They are intravenous drug using women who give birth to babies who have AIDS or are either Haitian mothers or mothers from the Central Africa area. That is an alarming statistic, which means something has to be done about it, particularly in the Harlem community where intravenous drug use is high.

I would like to say something else which you and Congressman Conyers are probably aware of, and that is that it is a long time before we know someone in our families are using intravenous drugs. They generally hide it from us. We don't recognize the behavior right off. I have had kinfolks, young nephews, who have used intravenous drugs, and I had no knowledge of it.

I am the great expert! I have played basketball with them as well as other activities, and had no idea, because that was the farthest thing from my mind, that my nephews would be using intravenous drugs.

Now, these individuals interact sexually with their significant others and that certainly could transfer the virus and cause that virus to be spread to the heterosexual community.

I think that the answer to this problem is the immediate education in safe sex practices, even recommending to our folk if you are going to use drugs, there must be a safer way to do so that would not endanger you.

I don't want to sit here and allow anyone to think that I would sanction the use of drugs of any kind; but, on the other hand, we have people that are dying, and I think that we are going to have to begin to educate our people. If they are going to do this, they should clean their needles; they should do whatever is necessary to avert getting into high risk behavior that could lead to contracting AIDS.

One specific statistic that I want to share with you, and one that is terribly alarming is that of over 300,000 military recruits that were tested for the presence of the antibody to the HTLV-III, it was found that 3.9 out of every 1,000 Blacks were positive for the virus. Purportedly these were neither homosexual nor bisexual men, nor were they intravenous drug users. The cohort also contained female recruits. Among the Puerto Rican recruits they found the same statistic. That means almost 2 in 500 or 1 in 250.

Among white recruits they found only 0.9 percent to be positive for the antibody, and 2.6/1000 of "others" to be positive.

This indicates there ought to be massive education and prevention programs, particularly in the metroplitan areas indicated in this report.

Mr. RANGEL. Is that data in your testimony, your written testimony?

Dr. PRIMM. Yes, it is. And it is also in the Morbidity and Mortality Weekly Report that is put out by the Centers for Disease Control.

Mr. RANGEL. Will you make a copy available to us?

Dr. PRIMM. I certainly will. I went over—while I had time between times here to testify, I went over to the New York City Department of Health to look at statistics again today, so as to bring myself up to date with 1986 and 1985. 1985 statistics are compiled, but they couldn't let me have them; and so are some of 1986 statistics.

I think that it would be good if the health brain trusts of the caucus or members of this committee would ask for those statistics, so that you could see the precipitous rise in deaths in the Bedford-Stuyvesant, South Bronx, Brownsville, Harlem and El Barrio communities.

With that, thank you again.

[The statement of Dr. Primm appears on p. 277.]

Mr. RANGEL I want to thank you, and I hope that you don't restrict your direction to us just to your testimony. I hope you can follow up with us to get that data.

Dr. PRIMM. Absolutely, Mr. Chairman.

Mr. RANGEL We are lucky to have Senator David Paterson with us. We are sorry that it took so long to get you on, but we are appreciative that you took time out from Albany to share your thoughts with us.

Senator Paterson?

## TESTIMONY OF DAVID PATERSON, NEW YORK STATE SENATOR

Mr. PATERSON. Thank you, Congressman.

I met with the Borough Commander of the New York City Police Department, Commander Kelly, and the precinct captains of all of the police precincts that are located in my district, which is the 29th Senatorial District, which encompasses the West Side of Manhattan and Harlem, and I understood from our meeting that Crack in New York City, and really for all time, began in the Fort Washington area and worked its way down last summer to 144th Street and Broadway.

At that time, it became evident that, through 199 arrests by the New York City Police Department between the months of September 1st and December 31st of 1985, the business was so lucrative that the business was in itself not going to move. Usually when there is a mass police infestation, it has been known to scatter crime. That is often the problem of fighting crime.

In this particular area, the drug dealers did not even move. It demonstrates that my district—and much of it is your district, Congressman—is a heavy drug area right now. One of the problems that is resulting in Crack is that the drug problem has been ignored for so long. It is historical that drug problems in this country have always been related to minority communities, whether it be the Hispanic communities in Florida, the Mexican communities in California, the black communities in New York State—that this problem has been ignored nationally and has only become a problem when it has become a national catastrophe, as it has now.

The Crack problem has not in itself become a national problem, but it is a local killer. But when one hears of 125 tons of cocaine that were delivered into this State, into this country, last year, and most of it headed toward the inner cities of these areas, we understand that it will inevitably be a problem that engulfs us all; that drug problems leap ghetto walls; that they inevitably attack all members and aspects of society.

The Crack problem is something that is indicative of a future that is very bleak, and it is one that is right now a youth problem in my district and in my community. Those who have been known to be drug abusers don't even go near Crack. They are aware of the instant dangers of this killer.

However, when we hear accounts of drug dealers right now selling Crack under the title "Len Bias Cocaine," after the Maryland forward basketball player who was just drafted by the Boston Celtics, who passed as a result of overconsumption of cocaine just some weeks ago, we wonder why younger people would be interested in touching anything that has the name of a person who was an obvious victim of it. It is indicative of an image problem, which I like to call the "notion of coalesce dreams." It is literally dancing with death.

When we have youth in our community who estimate their own longevity as being no more than 20 to 25 years, it is your credit, Congressman, that you decided to invite some of the religious leaders in our communities and go beyond just the political leadership and law enforcement, because what we have here is a national tragedy, a complete contempt for the positive value of life, an absolute disrespect for life itself, and it is coming as a result of Crack. But crack is really a result of this problem.

We have music that is listened to by younger people now that actually advertises methods of obtaining it, and using cocaine, and then disclaim at the end of the song by, well, this will kill you. But the problem is that just the publication of it is adding to the problem itself.

When we have headlines in our newspapers like a recent headline in the New York Times, "Crack, the Wave of the Future," we find that those who are writing these articles are as irresponsible as anyone who would be selling the drugs, because Crack is actually the destruction of the future.

What we are doing in my office, in addition to meeting with our law enforcement agencies, is we are actually going to the music industry itself and trying to educate some of the producers and the performers to the results of some of the information that they are putting out on the streets. This is not a problem that just can be fought in terms of a resultant conduct; it is one that has to be fought in terms of a preventive conduct.

I would like to thank you for conducting these hearings, and to be ahead of the problem, so that it does not have to be something that is only addressed after it becomes a national problem. But I assure you that if we don't all join together to fight it, that we will have the tremendous problem with Crack that we have with its subsidiary, cocaine, in this country today.

Mr. RANGEL. Let me thank you, Senator, and the entire panel.

Both Congressman Conyers and I wish we could question, but we do have to vacate the courtroom. But fortunately for me, I will be seeing you tomorrow morning, and we can go over it.

Dr. Polk, lay people don't like to get too involved in church people's business, but I am going to find some way to see whether I can assist you in putting together, without doing offense to the clergy at that meeting.

I think, as Senator Patterson alluded, it would be so important to just symbolically give hope to other ministers.

Dr. Primm, did you have a chance to attend that meeting that we were trying to get you to attend?

Dr. PRIMM. Indeed I did, Mr. Chairman.

Mr. RANGEL. Did it make any sense at all?

Dr. PRIMM. This did, but it is a little precocious, this treatment that they are advertising or promoting.

By the way, I am supposedly sworn to secrecy, and he told me to discuss it with you, but something else came out of that meeting that you should hear about, and that is the white coats of Harlem.

Dr. Sackler would like to meet with you and some people in Harlem, and open up the medical schools at night to train young minorities to be in Harlem as physicians. And I thought that was a wonderful idea. And he will put up the money, like the Sackler Medical School in Israel. It will be sort of a training program for minorities.

Mr. RANGEL. Let me thank all of you. The hour is late and you have all been very patient. I look forward to getting back to you.

Thank you.

This committee meeting stands adjourned subject to the call of the Chair.

[Whereupon, at 4:15 p.m., the committee adjourned, subject to the call of the Chair.]

## PREPARED STATEMENTS

STATEMENT OF THE

HONORABLE CHARLES B. RANGEL
CHAIRMAN
SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

ON THE

HEARING ON CRACK AND COCAINE ABUSE IN NEW YORK

JULY 18, 1986

GOOD MORNING LADIES AND GENTLEMEN.

TODAY THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL IS IN NEW YORK TO EXAMINE THE COCAINE AND CRACK EPIDEMIC PRESENTLY SWEEPING OUR CITY, STATE, AS WELL AS OUR NATION.

"CRACK" IS THE STREET NAME GIVEN TO FREEBASE COCAINE MADE BY HEATING COCAINE HYDROCHLORIDE WITH BAKING SODA AND WATER. THE TERM "CRACK" REFERS TO THE CRACKLING SOUND MADE WHEN THE DRUG IS SMOKED.

NO PLACE IN THE NATION EXEMPLIFIES THE COCAINE AND CRACK CRISIS MORE THAN THE CITY OF NEW YORK.

CRACK AND CRACK HOUSES ARE PRESENT IN ALL FIVE BOROUGHS. HUNDREDS OF INDIVIDUALS HAVE BEEN OBSERVED BY STATE DRUG ABUSE INVESTIGATORS HAWKING AND SELLING CRACK THROUGHOUT THE CITY. USERS OF CRACK RANGE IN AGE FROM YOUNG SCHOOL CHILDREN TO ADULTS. IN EVERY NEWSPAPER OF OUR CITY WE CONSTANTLY READ STORIES OF UNFORTUNATE INDIVIDUALS WHO HAVE FALLEN VICTIM TO CRACK, CAUSING INJURY TO THEMSELVES AND OTHERS.

CRACK IS CHEAP AND READILY AVAILABLE. IT DELIVERS A POWERFUL HIGH THAT IS MUCH SOUGHT AFTER BY USERS. THE DANGER OF THE DRUG IS THAT USERS CAN BECOME ADDICTED TO CRACK A SHORT TIME AFTER BEING INTRODUCED TO IT. THIS HAS SERIOUS IMPLICATIONS FOR THE HEALTH AND WELFARE OF OUR CITY, PARTICULARLY WHEN ONE CONSIDERS THE ALREADY SERIOUS EXTENT OF COCAINE ABUSE IN NEW YORK.

IN NEW YORK COCAINE-RELATED DEATHS INCREASED FROM 7 IN 1983 TO 137 IN 1985. COCAINE-RELATED HOSPITAL EMERGENCY ROOM MENTIONS INCREASED HAVE INCREASED FROM 2,343 IN 1983, TO 3,085 IN 1984. THROUGH THE THIRD QUARTER OF 1985, 1,953 MENTIONS WERE REPORTED.

BETWEEN 1983 AND 1984, THERE WAS A 63 PERCENT INCREASE IN COCAINE ADMISSIONS TO STATE-FUNDED DRUG TREATMENT FACILITIES IN NEW YORK CITY. THIS TREND CONTINUED IN 1985 WITH AN ADDITIONAL 36 PERCENT INCREASE. THIS COMES AT A TIME WHEN ALL DRUG TREATMENT PROGRAMS IN THE CITY OF NEW YORK ARE OPERATING AT CAPACITY OR ABOVE, AND WAITING LISTS HAVE BECOME A FACT OF LIFE AT ALL TREATMENT FACILITIES.

THIS PAST TUESDAY THE SELECT COMMITTEE HELD A HEARING IN WASHINGTON WHICH EXAMINED THE RESPONSE OF FEDERAL DRUG ABUSE OFFICIALS TO THE CRACK AND COCAINE PROBLEM. WHILE THE ADMINISTRATION CONCEDES THAT THERE IS AN ALARMING INCREASE IN

THE ABUSE OF CRACK COCAINE, THERE IS SIMPLY NO FEDERAL PROGRAM IN PLACE TO ADDRESS THIS SERIOUS PUBLIC HEALTH AND LAW ENFORCEMENT CRISIS. THE BEST WE CAN GET FROM THE ADMINISTRATION IS THAT THEY ARE "MEETING AT THE WHITE HOUSE" TO DISCUSS THE PROBLEM.

WHAT IS MOST SHOCKING ABOUT THE LACK OF A SWIFT FEDERAL RESPONSE TO THIS EPIDEMIC IS THE NOTION THAT THE RESPONSIBILITY TO COMBAT CRACK LIES PRIMARILY IN THE HANDS OF STATE AND LOCAL LAW ENFORCEMENT AND DRUG ABUSE AGENCIES. THE CRACK CRISIS WE ADDRESS TODAY IS THE LATEST EVIDENCE OF A GROWING COCAINE PROBLEM THAT HAS CONFRONTED OUR NATION SINCE 1980. THE CRACK SOLD IN WASHINGTON HEIGHTS, BEDFORD-STUYVESANT, OR WESTCHESTER HAS ITS ORIGINS IN SOUTH AMERICA.

THE SIMPLE AND UNDENIABLE FACT IS THAT THE UNCONTROLLED PRODUCTION AND SMUGGLING OF COCAINE HAS FAR OUTPACED CROP ERADICATION AND ENFORCEMENT EFFORTS IN DRUG SOURCE COUNTRIES. DURING A STUDY MISSION BY THE SELECT COMMITTEE TO SOUTH AMERICA LAST AUGUST, WE FOUND A SHOCKING INCREASE IN THE GROWTH OF COCA AND THE ABILITY OF DRUG TRAFFICKERS TO OPERATE UNIMPEDED IN VAST AREAS OF SOUTH AMERICA. COCA PRODUCTION INCREASED FROM 55 TONS TO 150 TONS IN PERU AND BOLIVIA BETWEEN 1983 AND 1985. IN COLOMBIA, ESTIMATES OF COCA PRODUCTION HAVE JUMPED FROM 15,000 HECTARES TO 25,000 HECTARES. COCA PRODUCTION HAS BEGUN IN ECUADOR AND IN THE AMAZON JUNGLES OF BRAZIL. ONE-THIRD OF THE

COCAINE SMUGGLED INTO THE UNITED STATES COMES DIRECTLY ACROSS OUR BORDER WITH MEXICO.

WHILE I AM PLEASED TO NOTE THAT THE ADMINISTRATION MOVED AGGRESSIVELY THIS WEEK IN LENDING MILITARY ASSISTANCE TO THE GOVERNMENT OF BOLIVIA IN DESTROYING COCAINE CONVERSION LABS IN THAT NATION, THE FACT REMAINS THAT OUR NATION'S COCAINE AND CRACK CRISIS WILL CONTINUE AS LONG AS THE CULTIVATION OF ILLICIT COCA CONTINUES UNABATED IN SOUTH AMERICA. IT IS TIME TO GIVE THE INTERNATIONAL DRUG TRAFFICKING PROBLEM THE FOREIGN POLICY PRIORITY IT DESERVES.

TODAY WE WILL HEAR FROM A WIDE RANGE OF STATE AND LOCAL WITNESS REPRESENTING GOVERNMENT, LAW ENFORCEMENT, EDUCATORS, AND RELIGIOUS LEADERS ON HOW OUR STATE AND CITY CAN WORK TOGETHER EFFECTIVELY TO FIGHT CRACK AND COCAINE ABUSE. I AM ALSO LOOKING FORWARD TO HEARING FROM OUR WITNESSES THEIR RECOMMENDATIONS AS TO WHAT THE ROLE OF THE FEDERAL GOVERNMENT SHOULD BE IN THIS EFFORT.

I AM PLEASED TO NOTE THAT OUR TWO LEAD WITNESSES TODAY WILL BE THE GOVERNOR OF THE STATE OF NEW YORK, MARIO CUOMO, AND THE MAYOR OF THE CITY OF NEW YORK, ED KOCH. BOTH OF THEM HAVE BEEN TRUE LEADERS IN THE EFFORT TO ACHIEVE A TRULY EFFECTIVE NATIONAL STRATEGY TO COMBAT DRUG ABUSE, AND I AM PLEASED THAT THEY BOTH ARE ABLE TO JOIN US HERE TODAY.

# STATEMENT OF CONGRESSMAN TED WEISS ON THE CRACK CRISIS

Congressman Ted Weiss (D-NY) issued the following statement today at a hearing in New York City on the crack crisis. The hearing was held by the House Select Committee on Narcotics Abuse and Control

I would like to begin by commending Chairman Rangel for convening this important hearing, and by welcoming the distinguished witnesses who are with us today.

For all the tragic stories we have read about about crack, we still don't know very much about it. We know it is cheap, easy to make, and highly addictive. But we need to learn a lot more about how widely it is used, who uses it, and what the long-term effects are. Most importantly, we need to find out how to stop it.

The crack epidemic seems to be part of a disturbing long-term trend among cocaine users. While the number of people who regularly use cocaine has remained relatively steady over the last five years, the number of deaths attributed to cocaine use has multiplied alarmingly. The reason is that cocaine users today appear to be ingesting the drug in larger quantities, in purer forms, and by more dangerous methods than ever before.

Crack, which is simply a low-priced, smokeable form of cocaine, takes this trend one dangerous step further. Now it is cheap and convenient to start smoking cocaine. It is also perilously difficult and expensive to stop.

One way to solve the crack problem would be to cut off the supply of cocaine pouring across our borders. In 1980, an estimated 25 tons of cocaine were smuggled into this country. This year, 150 tons are expected -- a sixfold increase in six years.

Stopping these shipments, unfortunately, has proven much more difficult than it sounds. Impressive resources have been devoted to eradicating drug crops abroad, and interdicting drug shipments at our borders. The results, so far, have been disappointing. If the demand for drugs is there, the suppliers seem to find a way to meet it.

A more productive approach might focus on curtailing the demand for crack and other abused substances. Right now, for every dollar spent on drug-related law enforcement, only one penny is spent on education. More money must be allocated to anti-drug education campaigns, which we know can be effective.

One of the best efforts I know of to address this problem is a bill sponsored by Chairman Rangel, the "Drug Abuse Education Act of 1986," which I am proud to be a cosponsor of. The bill would authorize $100 million each year, for the next five years, to establish drug education programs in primary and secondary schools around the country. The crack epidemic painfully illustrates how badly we need to teach our children from a very early age to stay away from drugs, and I hope we will see this important legislation moving through Congress before the end of the session.

If we are going to be serious about stopping crack and other drugs, we must start putting our money where our mouths are, and boost funding for drug education, drug rehabilitation programs, and other programs as needed.

I look forward today to hearing from our witnesses more about the crack problem in New York, about state and local efforts to cope with this new crisis, and about what we can do at the federal level to help.

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TESTIMONY BY GOVERNOR MARIO M. CUOMO
HOUSE SELECT COMMITTEE ON NARCOTICS ABUSE
AND CONTROL
NEW YORK CITY
FRIDAY, JULY 18, 1986

CHAIRMAN RANGEL, MEMBERS OF THE COMMITTEE:

THANK YOU FOR THE INVITATION TO APPEAR BEFORE YOU TODAY.

FIRST A WORD OF APPRECIATION, NOT ONLY FOR THE OVER-ALL CONCERN OF THIS COMMITTEE BUT FOR INDIVIDUAL MEASURES THAT HAVE ALREADY BEEN INTRODUCED IN THE HOUSE AND SENATE. YOU HAVE SHOWN LEADERSHIP WHEN IT IS BADLY NEEDED.

MR. CHAIRMAN, I SUPPORT YOUR BILLS ADDRESSING DRUG EDUCATION, NARCOTICS PRODUCTION CONTROL, AND FEDERAL ASSISTANCE FOR LOCAL ENFORCEMENT. I SUPPORT AS WELL SENATOR MOYNIHAN'S BILL PROVIDING ASSISTANCE FOR PREVENTION AND CONTROL PROGRAMS; AND CONGRESSMAN RODINO'S CALL FOR A WHITE HOUSE CONFERENCE TO DEVELOP A COMPREHENSIVE NATIONAL STRATEGY ON DRUGS.

I WILL DO EVERYTHING I CAN TO PROMOTE THESE MEASURES. AND I WILL URGE GOVERNORS AND LOCAL OFFICIALS AROUND THE COUNTRY TO JOIN US IN THAT EFFORT.

IT IS NOW FASHIONABLE TO TALK OF THE PROBLEM OF SUBSTANCE ABUSE AND NARCOTICS ADDICTION AS AN EPIDEMIC. TRAGIC AND UGLY EPISODES LIKE THE DEATHS OF TWO YOUNG ATHLETES DRAMATIZE FOR US A MENACE THAT HAS EXISTED, SPREAD, AND GROWN MORE DEVASTATING AND PERVASIVE OVER THE LAST COUPLE OF DECADES.

THERE HAVE BEEN SUCH EPISODES BEFORE, AND THE HEADLINES TO DESCRIBE THEM. BUT THE HEADLINES WERE REPLACED BY OTHER STORIES, THE EPISODES WERE FORGOTTEN AND THE PROBLEM RECEDED TO THE NETHER LEVELS OF THE PUBLIC CONSCIOUSNESS -- OR LEFT IT ALTOGETHER. WE FAILED TO KEEP NARCOTICS CONTROL AT THE TOP OF THE NATIONAL AGENDA, AND THIS GREAT GROWING WAVE OF SICKNESS, ANGUISH, DEATH AND TERROR CONTINUED TO MOVE ACROSS THE COUNTRY, SWALLOWING UP MORE AND MORE OF OUR LIFE.

IT IS DIFFICULT TO EXAGGERATE THE DIMENSIONS OF THE PROBLEM: AT THE LOCAL LEVEL, IT'S IMPOSSIBLE. WE MEET THE VICTIMS EVERY DAY -- LOCK THEM UP, TREAT THEM, OR BURY THEM. WE DO NOT FORGET. WE CAN'T.

IF I MAY, LET ME GIVE YOU JUST A FEW OF THE MEASURES OF THIS TERRIBLE CRISIS IN ONE OF ITS LATEST FORMS ... THE USE OF COCAINE AND CRACK.

-- SINCE 1980, THE FLOW OF COCAINE INTO THIS COUNTRY HAS RISEN FROM ABOUT 25 TONS A YEAR TO 125 TONS.

-- THERE ARE INDICATIONS THAT ABOUT FIVE MILLION AMERICANS USE IT AT LEAST ONCE A MONTH.

-- IN NEW YORK STATE, 43,000 PERSONS ARE NOW UNDER TREATMENT FOR DRUG ABUSE PROBLEMS.

-- FIVE YEARS AGO, SIX PERCENT OF STATE TREATMENT ADMISSIONS WERE FOR COCAINE USE. TODAY FIVE TIMES AS MANY CLAIM COCAINE OR CRACK AS THE PRIMARY DRUG OF ADDICTION.

-- BEFORE 1983, THE NUMBER OF REPORTED DEATHS DUE TO COCAINE IN NEW YORK CITY WERE NEGLIGIBLE. IN 1983 THERE WERE SEVEN; LAST YEAR THERE WERE 137.

-- IN NEW YORK CITY, IN 1983, 29 PERCENT OF DRUG ARRESTS INVOLVED COCAINE; IN 1985, 33 PERCENT. IN APRIL THIS YEAR, COCAINE ACCOUNTED FOR MORE THAN HALF OF ALL DRUG ARRESTS.

STATISTICS FOR CRACK ARE NEW, BUT CRACK HAS BECOME OF SUCH CONCERN THAT THE NEW YORK CITY POLICE DEPARTMENT HAS ESTABLISHED AN UNDERCOVER UNIT OF 101 OFFICERS SOLELY TO ARREST DEALERS AND BREAK UP CRACK HOUSES.

# # #

AND WHAT IS THE LURE OF CRACK? IT APPEARS TO AMOUNT TO AN INITIAL BLAST OF FALSE SELF-CONFIDENCE, POWER, EXHILARATION -- MAYBE FOR SEVEN MINUTES.

THAT'S IT ... THAT'S THE KICK. BUT THEN DEPRESSION. AND LATER, WITH CONTINUING USE, DEEPER DEPRESSION, PARANOIA, AND SOMETIMES VIOLENCE OR SUICIDE.

AND ON THE PHYSICAL SIDE, NAUSEA, TREMORS, CONVULSIONS. AND THE PROSPECT OF LUNG DAMAGE, HEART ATTACK, STROKE, AND RESPIRATORY PROBLEMS. OR EVEN QUICK DEATH LIKE LEN BIAS OR DON ROGERS -- ONLY PROBABLY WITHOUT A HEADLINE.

THIS IS WHAT KIDS CAN GET FOR FIVE OR TEN DOLLARS ON THE STREETS ALL ACROSS THE COUNTRY. AND LET ME EMPHASIZE THAT POINT, MR. CHAIRMAN: THIS IS A PROBLEM THAT CROSSES EVERY BOUNDARY -- SOCIAL, ETHNIC, GEOGRAPHICAL. THE COCAINE ALARM IS SOUNDING THROUGHOUT THE NATION. THERE IS NO ESCAPE ANYWHERE.

IN PREVIOUS TESTIMONY BEFORE THIS COMMITTEE, GOVERNOR GRAHAM OF FLORIDA AND GOVERNOR WHITE OF TEXAS DESCRIBED GRAPHICALLY THE SAME OVERWHELMING SURGE OF DRUGS AND THE

SAME INEVITABLE CONSEQUENCES -- DRAMATIC INCREASES IN ADDICTION, INCREASES IN ARRESTS AND JAILINGS FOR DRUG-RELATED CRIMES, AND OF COURSE THE ATTENDANT EXPONENTIAL INCREASE IN FISCAL AND HUMAN COSTS.

WE ARE TRULY DEALING WITH AN EPIDEMIC OF UNPRECEDENTED PROPORTIONS.

# # #

PERHAPS THE MOST STRIKING THING ABOUT THE PROBLEM IS ITS COMPLEXITY.

IT IS NOT A NATIONAL PROBLEM ALONE: OF COURSE WE AT THE LOCAL LEVEL HAVE AN OBLIGATION TO DO EVERYTHING WE CAN TO DEAL WITH IT.

IT IS NOT A LAW ENFORCEMENT PROBLEM ONLY. OR A FOREIGN POLICY PROBLEM. OR AN OFFSHORE INTERDICTION PROBLEM. OR AN EDUCATION PROBLEM. OR A MINORITY PROBLEM. OR A CITY OR SUBURBAN OR RURAL PROBLEM. IT IS ALL OF THESE.

THERE IS NO SILVER BULLET TO KILL THIS DRACULA WE CALL DRUG ADDICTION. NO SINGLE PILL OR PROGRAM OR EVEN PRAYER.

IT MUST BE ATTACKED FROM ALL SIDES, IN MANY WAYS -- SIMULTANEOUSLY.

# # #

TO DO THAT, IT SEEMS APPARENT TO ME, WE NEED LEADERSHIP FROM THE TOP.

BECAUSE OF THE DIMENSIONS OF THE PROBLEM IT MUST BE LEADERSHIP FROM THE VERY TOP. FROM THE PRESIDENT OF THE UNITED STATES.

I APPLAUD PRESIDENT REAGAN'S WILLINGNESS TO RESPOND TO BOLIVIA'S REQUEST FOR HELP. BUT THE PROBLEM OF DRUG ADDICTION, ESPECIALLY CRACK, IS A CLEAR AND PRESENT DANGER TO THE NATION, AND DESERVES THIS RESPONSE AND MUCH MORE BY WAY OF FEDERAL INVOLVEMENT.

I REPEAT THE CALL I MADE ON MONDAY: THE PRESIDENT SHOULD BRING TO THE WAR ON DRUGS THE SAME CONTINUED LEVEL OF COMMITMENT AND EFFORT HE HAS BROUGHT TO HIS CAMPAIGNS FOR SDI, AID TO THE CONTRAS AND TAX REFORM.

HERE, WE AS A NATION HAVE AN ADVANTAGE AND AN OPPORTUNITY, FOR OUR PRESIDENT IS SURELY SINGULARLY WELL-EQUIPPED TO LEAD THE BATTLE AGAINST THIS MENACE. HIS POPULARITY, HIS ABILITY TO CREATE EMOTIONAL RESPONSE, HIS EFFICACY WITH CONGRESS, ARE ALL VALUABLE WEAPONS IN THIS WAR OF SURVIVAL ... AND IT IS THAT, A WAR OF SURVIVAL. A WAR WE CANNOT WIN WITHOUT

THE LEADERSHIP AND PRESTIGE OF THE PRESIDENT.

# # #

BEFORE I GO ANY FURTHER, LET ME ESTABLISH NEW YORK'S CREDENTIALS FOR SUPPORTING YOUR BILLS AND URGING MORE HELP FROM WASHINGTON. NEW YORK HAS PROVEN IT WILL PUT ITS RESOURCES WHERE ITS RHETORIC IS. WE'VE PROVEN IT WHERE IT COUNTS: IN OUR BUDGET.

OUR CORRECTIONS SYSTEM THIS YEAR COSTS NEW YORK OVER ONE BILLION DOLLARS. OUR WHOLE CRIMINAL JUSTICE SYSTEM COSTS US $1.5 BILLION. AND ONE-THIRD OF THAT IS DRUG-RELATED. SIXTY PERCENT OF ALL THE PEOPLE IN NEW YORK PRISONS HAVE HISTORIES OF DRUG OR ALCOHOL ABUSE. TODAY WE HAVE CLOSE TO 5,000 DRUG PUSHERS IN PRISON, ABOUT 2,300 MORE THAN IN JANUARY, 1983.

SOME IN WASHINGTON CALL US A HIGH TAX STATE. IF SO, THIS IS ONE OF THE REASONS.

MY ADMINISTRATION HAS ADDED 200 SPECIALLY-TRAINED STATE POLICE INVESTIGATORS TO OUR NEW NARCOTICS UNIT -- 100 OF THEM IN NEW YORK CITY. THIS IS AN ANNUAL INVESTMENT BY NEW YORK STATE OF $4.5 MILLION.

AND RECENTLY I MADE AN ADDITIONAL $2 MILLION AVAILABLE TO THE STATE SPECIAL NARCOTICS

PROSECUTOR TO PROSECUTE NARCOTICS CRIMINALS IN NEW YORK CITY.

WE SPEND ON CRIMINAL JUSTICE IN NEW YORK ABOUT ONE-QUARTER OF WHAT THE FEDERAL BUDGET ALLOCATES TO IT FOR ALL OF THE UNITED STATES.

AND OUR EFFORTS IN THE DRUG PROBLEM HAVE GONE THE EXTRA MILE. NEW YORK HAS LONG LED THE NATION IN DRUG RESEARCH AND TREATMENT. WE ALSO HAVE ON OUR BOOKS SOME OF THE TOUGHEST LAWS IN THE COUNTRY FOR PUNISHING DRUG OFFENSES ... CONSIDERABLY TOUGHER THAN FEDERAL STATUTES.

FOR EXAMPLE, OUR NEW LAW I SIGNED THIS WEEK -- STIFFER PRISON SENTENCES FOR PUSHERS CAUGHT SELLING DRUGS TO CHILDREN NEAR SCHOOLS.

WE NEED TO BE TOUGH. SOME OF THE WORST AND MOST UNSCRUPULOUS CRIMINALS IN OUR SOCIETY ARE GOING AFTER OUR CHILDREN.

DURING THE 1984-85 SCHOOL YEAR, EVEN BEFORE THE CRACK EPIDEMIC REALLY SPREAD, THE MAJOR ANTI-DRUG PROGRAM IN THE NEW YORK CITY SCHOOLS REPORTED ARRESTS OF NEARLY 9500 PEOPLE FOR SELLING DRUGS TO SCHOOL KIDS.

# # #

CLEARLY THE BEST APPROACH TO MUCH OF THIS

CRIME IS PREVENTION, EDUCATION AND TREATMENT. MY ADMINISTRATION RECOGNIZES THIS WITH STRONG PROGRAMS, A COMPREHENSIVE COMMITMENT AND NEW EMPHASIS ON THE CRACK PROBLEM. FOR EXAMPLE:

WE NOW SPEND A TOTAL OF $98.7 MILLION IN STATE FUNDS FOR DIRECT PREVENTION, OUTPATIENT AND RESIDENTIAL PROGRAMS.

THAT AMOUNT INCLUDES $10.5 MILLION WE ADDED THIS YEAR TO FURTHER EXPAND THE STATE'S CAPABILITY TO CONFRONT THE DRUG PROBLEM. THIS NEW MONEY WILL IMMEDIATELY EXPAND THE STATE TREATMENT NETWORK BY MORE THAN 3000 ADDITIONAL TREATMENT SPACES FOR ALL DRUG ABUSE, INCLUDING 1000 SPECIFICALLY FOR CRACK.

TREATMENT PROGRAMS SUPPORTED BY NEW YORK PROVIDE SERVICES TO 80,000 PERSONS ANNUALLY TO HELP RESCUE THEM FROM SERIOUS SUBSTANCE ABUSE PROBLEMS.

INCLUDED IN OUR HUNDRED MILLION DOLLAR EXPENDITURE IS $16.3 MILLION THIS YEAR FOR DRUG PREVENTION AND EDUCATION PROGRAMS IN OUR SCHOOLS. THE PROGRAMS ARE ADMINISTERED BY THE STATE DIVISION OF SUBSTANCE ABUSE SERVICES COOPERATING WITH MORE THAN 250 LOCAL SCHOOL DISTRICTS ACROSS THE STATE.

IN NEW YORK CITY, THE FUNDING SUPPORTS COORDINATORS AND COUNSELLORS IN EACH COMMUNITY SCHOOL DISTRICT. THE PROGRAMS INCLUDE CLASSROOM PRESENTATIONS, ASSEMBLIES, RAP GROUPS, ONE-ON-ONE CONTACT, AND OTHER ACTIVITIES TO EDUCATE OUR YOUTH ON THE EFFECTS OF DRUGS, TOGETHER WITH TEACHER TRAINING AND COMMUNITY WORKSHOPS FOR PARENTS.

STATEWIDE, WE PROVIDE DIRECT DRUG PREVENTION COUNSELLING TO 41,000 STUDENTS EACH YEAR.

AND WE MAKE AN ADDITIONAL ONE MILLION STUDENT CONTACTS EACH QUARTER OF THE YEAR THROUGH CLASSROOM PRESENTATIONS, DRUG AWARENESS TRAINING AND GROUP COUNSELLING SESSIONS.

AT MY DIRECTION, INFORMATION SPECIFICALLY ON CRACK IS NOW BEING MADE AVAILABLE TO SCHOOLS ACROSS THE STATE. THE MATERIAL RESULTED FROM JOINT EFFORTS OF THE DIVISION OF SUBSTANCE ABUSE SERVICES AND THE STATE EDUCATION DEPARTMENT. IN ADDITION, THE EDUCATION DEPARTMENT, IN RESPONSE TO YOUR HEARINGS LAST YEAR, WILL BE DISTRIBUTING COPIES OF ITS DRUG EDUCATION CURRICULUM TO TEACHERS ACROSS THE STATE.

WE DO HAVE STATUTORY REQUIREMENTS FOR

HEALTH EDUCATION INSTRUCTION REGARDING ALCOHOL, DRUG AND TOBACCO ABUSE IN NEW YORK STATE. BUT THE QUESTION WE ALL HAVE IS ONE OF ACCOUNTABILITY. HOW WELL IS THE REQUIREMENT WORKING? HOW WELL ARE THE PROGRAMS WORKING?

THIS IS A GROWING CONCERN OF MINE REGARDING THE REGENTS AND EDUCATION IN NEW YORK. MR. CHAIRMAN, AT YOUR HEARINGS IN NOVEMBER AND IN A LETTER YOU WROTE TO ME, YOU EXPRESSED A SIMILAR CONCERN FOR THE REGENTS' DRUG CURRICULUM.

I HAVE DIRECTED THE DIVISION OF SUBSTANCE ABUSE SERVICES TO WORK WITH THE EDUCATION DEPARTMENT TO DETERMINE WHAT IS WRONG AND TO CORRECT ANY PROBLEMS. AS A FIRST STEP, THE AGENCIES HAVE AGREED TO BEGIN A PILOT PROJECT TO CORRECT DEFICIENCIES, TO TEST IT IN THREE AREAS OF THE STATE, AND THEN EXPAND IT STATEWIDE.

WE'LL STAY ON IT!

SPEAKING OF EDUCATION, MR. CHAIRMAN, I WANT TO CALL ATTENTION TO THE INSISTENT, SENSITIVE AND EFFECTIVE WORK OF MRS. NANCY REAGAN. SHE IS PROVIDING TRULY EXCELLENT LEADERSHIP, INVOLVING COMMUNITY AND PARENT GROUPS IN A NATIONAL EFFORT OF DRUG EDUCATION, PREVENTION AND TREATMENT. WE IN NEW YORK ARE GRATEFUL.

IN OUR STATE, WE RELY HEAVILY ON PRIVATE SECTOR ACTIVITY AND VOLUNTEERS.

WE'RE USING A STATE NETWORK OF 254 COMMUNITY ACTION GROUPS TO WORK WITH OTHER COMMUNITY-BASED ORGANIZATIONS TO INCREASE CRACK AWARENESS. SINCE THE START OF OUR PROGRAM IN 1981, THIS NETWORK OF VOLUNTEER GROUPS HAS SPONSORED NEARLY 2000 EVENTS TO BUILD COMMUNITY AWARENESS OF SUBSTANCE ABUSE PROBLEMS, REACHING NEARLY 600,000 BUSINESS PEOPLE, CLERGY AND OTHERS.

WE HAVE ALSO STARTED A PROGRAM OF RECRUITING AND PLACING ATHLETES AT DRUG PREVENTION SCHOOL ASSEMBLIES, AS PART OF THE "GOVERNOR'S 1986 YOUTH DRUG PREVENTION CAMPAIGN." RON DARLING OF THE NEW YORK METS, AND RORY SPARROW AND TRENT TUCKER OF THE NEW YORK KNICKS, WILL BE MAKING APPEARANCES IN SCHOOLS AS THEIR SCHEDULES PERMIT, ALONG WITH DOZENS OF OTHER CELEBRITIES AND ATHLETES.

WE USED SUCH ROLE MODELS IN OUR VERY SUCCESSFUL CAMPAIGN AGAINST DRUNK DRIVING, AND WE INTEND TO ADDRESS DRUG EDUCATION PROGRAMS WITH THE SAME PROVEN TECHNIQUES AND THE SAME URGENCY.

# # #

SO WE ARE DOING EVERYTHING WE CAN TO FULFILL OUR OBLIGATION AS A STATE, MR. CHAIRMAN, AND WE ARE OFFERING PROPOSALS FOR ACTION THAT WILL HELP US DO MORE. BUT OBVIOUSLY THE PROBLEM IS NOT NEARLY UNDER CONTROL -- IN THIS OR ANY OTHER STATE THAT IS THE TARGET OF THE GUIDED MISSILES OF FOREIGN COCAINE.

WE NEED MORE JUDGES TO HEAR COCAINE CASES AT BOTH FEDERAL AND STATE LEVELS, AND THE FUNDS TO SUPPORT THEM.

WE SHOULD IMMEDIATELY DEPORT ILLEGAL ALIENS ENGAGED IN DRUG TRAFFICKING. IN THE PAST YEAR WE HAVE DISCOVERED SEVERAL HUGE COCAINE PRODUCTION LABORATORIES IN NEW YORK STATE. ONE WAS CAPABLE OF PRODUCING AN AMOUNT EQUAL TO ALMOST ONE-THIRD OF THE ENTIRE ESTIMATED UNITED STATES SUPPLY. IT WAS OPERATED BY A RING OF COLOMBIAN ILLEGAL ALIENS -- CRIMINALS WHOSE PRESENCE SHOULD NOT BE TOLERATED.

ABOVE ALL WE NEED THE CONTINUING RESOLVE OF THE NATIONAL ADMINISTRATION TO TREAT THE DRUG PROBLEM AS THE NATIONAL EMERGENCY IT IS.

WE SEE THE COMMITMENT OF BILLIONS OF DOLLARS TO POLICE THE HEAVENS WITH HARDWARE AND

SOFTWARE THAT HAS NOT YET BEEN DEVELOPED, WHEN WE WON'T PAY WHAT IS REQUIRED TO MAKE OUR STREETS SAFE FOR OUR CHILDREN.

MR. CHAIRMAN, WHAT IS THE DIFFERENCE IN DEVASTATION BETWEEN MISSILES FIRED AT US FROM OUTSIDE OUR COUNTRY'S BORDERS AND THE DELIVERY OF THOUSANDS OF POUNDS OF LETHAL DRUGS?

WE SEE BILLIONS MARKED FOR MILITARY DEFENSE, AND OF COURSE A STRONG DEFENSE IS NECESSARY. BUT THE PERIMETER OF DEFENSE MUST BE EXTENDED TO INCLUDE OUR CHILDREN AND OUR COMMUNITIES NOW BEING ASSAULTED BY NARCOTICS SMUGGLERS.

WE ALL BELIEVE IN THE NEED FOR LAW AND ORDER. BUT WHAT WE HAVE SEEN ARE CUTS IN FUNDING TO FIGHT THIS CRUELEST, GREEDIEST AND SICKEST OF CRIMES.

WE CAN ALL AGREE ON PROVIDING OPPORTUNITY TO THOSE WHO WOULD PARTICIPATE IN THE AMERICAN DREAM. BUT IN PRACTICE WE SEE AN OPEN DOOR TO THE DRUGS THAT END OPPORTUNITY.

WE SHARE A NATIONAL BELIEF IN THE SO-CALLED TRADITIONAL VALUES. BUT DRUGS DESTROY PEOPLE, DESTROY FAMILIES. AND THE PRAYERS FOR A RETURN TO FUNDAMENTAL VIRTUE ARE ACCOMPANIED BY

ACQUIESCENCE IN THE DESTRUCTION OF THOSE VALUES.

THE COCA BUSH AND OPIUM POPPY GROW ELSEWHERE. COCAINE AND HEROIN ARE DELIVERED TO US PAST THE ARMY, NAVY, AIR FORCE, COAST GUARD, IRS, INS, CUSTOMS, SECRET SERVICE, CIA, THE GREATEST DEFENSE FORCE EVER ASSEMBLED ... AND THE MOST INCREDIBLY EXPENSIVE.

WE'VE SEEN A GENERAL FAILURE TO USE FEDERAL RESOURCES AND NATIONAL POLICY TO INTERDICT DRUG FLOW AND TO EXERT DIPLOMATIC PRESSURE ON DRUG-PRODUCING COUNTRIES.

WE'VE SEEN FEWER FEDERAL AGENTS AND CUSTOMS INSPECTORS. AND $48 MILLION HAS BEEN CUT FROM DRUG TREATMENT AND PREVENTION PROGRAMS.

THIS SHOULD NOT BE.

WE HAVE CHARTED, WITH FAIR STATISTICAL SUCCESS, THE EPIDEMIOLOGY OF THIS PESTILENCE. WE KNOW MUCH ABOUT ITS SOURCE, ITS INCIDENCE AND DISTRIBUTION.

I BELIEVE THAT THE NATIONAL DESIRE TO CONTROL IT EXISTS IN THE PUBLIC MIND, BUT THAT WE AS POLITICAL LEADERS MUST MANIFEST THIS DESIRE IN A NATIONAL CONSENSUS ON THE RESOURCES AND TOOLS NEEDED TO DO THE JOB -- TO CLEAN UP

OUR STREETS AND SCHOOLS, TO GET OUR KIDS CLEAN AND HELP THEM STAY THAT WAY.

THINGS MUST CHANGE AND THE PRESIDENT CAN MAKE ALL THE DIFFERENCE.

WE IMPLORE HIM TO DO IT. TO SEIZE THIS ISSUE AS HE HAS SEIZED SDI, AND NICARAGUA AND TAX REFORM. TO SPEAK ABOUT IT, PLAN FOR IT, ADVOCATE FOR IT. TO GET US THE HELP WE NEED TO FIGHT THE GOOD FIGHT.

TO ACT DECISIVELY, AS HE DID A FEW DAYS AGO BY SENDING THE ARMY TO ASSIST IN BOLIVIAN DRUG RAIDS. THIS SHOULD NOT BE A SINGLE EPISODE. IT SHOULD BE PART OF A CONTINUING PLAN TO BUILD A BARRIER AGAINST DRUGS. AND WE MUST NOT NEGLECT TO PROVIDE ADEQUATE HUMANITARIAN AID FOR THE PEOPLE OF THESE LATIN AMERICAN COUNTRIES WHO, AFTER ALL, ARE CLOSE NEIGHBORS.

THE STRUGGLE AGAINST DRUGS IS AS MUCH A DEFENSE AGAINST ATTACK AS SDI, AS MUCH A NATIONAL CONCERN AS NICARAGUA, AS MUCH A MATTER OF FAIRNESS AND ECONOMIC INTELLIGENCE AS TAX REFORM ... AND MORE.

THE DRUG PROBLEM IS AN IMMEDIATE NATIONAL EMERGENCY AND SHOULD BE TREATED AS ONE THROUGHOUT ALL OUR GOVERNMENT STRUCTURES. WE

MUST NEGOTIATE, INTERDICT, LEGISLATE, ENFORCE, EDUCATE, TREAT AND PRAY. WE MUST DO IT ALL. AND I URGE THE PRESIDENT TO LEAD US. YOU HAVE SHOWN HIM A WAY TO BEGIN WITH THE EXCELLENT LEGISLATION THAT I MENTIONED A FEW MOMENTS AGO.

# # #

I ASK THAT THE RECORD SHOW MY DEEP RESPECT FOR THE WORK AND THE UNDERSTANDING OF THIS COMMITTEE, MR. CHAIRMAN. I AM FULLY AWARE OF THE INTENSE ATTENTION MANY MEMBERS OF CONGRESS -- AS WELL AS THE MEMBERS OF THIS COMMITTEE -- ARE PAYING TO THIS EXPLOSIVE SITUATION.

I COMMEND THIS COMMITTEE'S AGGRESSIVE PURSUIT OF INFORMATION, AND AS GOVERNOR OF NEW YORK I PLEDGE TO CONTINUE THE FIGHT AGAINST DRUGS IN EVERY WAY POSSIBLE.

THANK YOU.

# TESTIMONY OF

# HONORABLE EDWARD I. KOCH

# MAYOR OF THE CITY OF NEW YORK

# BEFORE

# SELECT COMMITTEE

# ON

# NARCOTICS ABUSE AND CONTROL

# UNITED STATES HOUSE OF REPRESENTATIVES

JULY 18, 1986

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, I APPRECIATE YOUR INVITATION TO TESTIFY AT THIS HEARING EXAMINING THE CRISIS OF "CRACK" COCAINE HERE IN NEW YORK CITY AND IN OTHER MAJOR CITIES THROUGHOUT THE UNITED STATES.

IN 1973 AMERICA LOST ITS FIRST WAR, AT A COST OF MORE THAN 50,000 DEATHS AND YEARS OF NATIONAL ANGUISH. WE ARE NOW LOSING A SECOND WAR, ONE THAT PROMISES TO EXTRACT A PRICE FAR HIGHER THAN VIETNAM DID. WE ARE IN DANGER OF LOSING OUR GREATEST RESOURCE: OUR PEOPLE.

NEW YORK CITY DOESN'T HAVE A DRUG PROBLEM: NEITHER DOES BOSTON, CHICAGO, MIAMI, LOS ANGELES, ANCHORAGE OR HONOLULU HAVE A DRUG PROBLEM. THE NATION HAS A DRUG PROBLEM!

1986 AMERICA IS AWASH WITH ILLEGAL NARCOTICS. EVERY JURISDICTION REPORTS DRUG ENCROACHMENT ACROSS ALL AGE, ECONOMIC, ETHNIC AND OCCUPATIONAL CATEGORIES. THE NEW YORK CITY POLICE DEPARTMENT REPORTED MORE THAN 56,000 DRUG ARRESTS IN 1985, WITH COCAINE SURGING IN POPULARITY. AS AN EXAMPLE, IN MAY OF THIS YEAR COCAINE ARRESTS INCREASED SOME 68% OVER MAY OF 1985, WHILE ARRESTS FOR HEROIN, MARIJUANA AND OTHER DRUGS DROPPED 51%, 55% AND 46% RESPECTIVELY.

"CRACK" FIRST APPEARED ON THE STREETS OF NEW YORK IN LATE 1984. IT HAS NOW BECOME IMMENSELY POPULAR. ITS LOW COST AND QUICK GRATIFICATION HAVE MADE IT THE RAGE OF THE EIGHTIES. "CRACK" ARRESTS NOW ACCOUNT FOR 64% OF THE COCAINE ARRESTS MADE BY THE NEW YORK POLICE DEPARTMENT.

EQUALLY ALARMING IS THE PRESENCE OF DRUGS NEAR OUR SCHOOLS. THE BOARD OF EDUCATION REPORTED THAT DURING THE SCHOOL YEAR JUST ENDED MORE THAN 3,500 INDIVIDUALS WERE ARRESTED FOR SELLING DRUGS IN THE VICINITY OF 343 SCHOOLS. 63% OF THE ARRESTS WERE NEAR ELEMENTARY SCHOOLS. THE STREET VALUE OF THE DRUGS SEIZED EXCEEDS ONE MILLION DOLLARS. NEARLY HALF (44%) OF THE ARRESTS WERE FOR COCAINE CRIMES. ONLY 3% OF THOSE ARRESTED WERE STUDENTS, WHILE 79% OF THE PEOPLE ARRESTED WERE OVER 20 YEARS OF AGE.

WHAT THIS MEANS IS PAINFULLY CLEAR: ADULT DRUG DEALERS ARE CONGREGATING NEAR OUR SCHOOLS, TRYING TO HOOK OUR CHILDREN INTO LIVES OF DRUG DEPENDENCY. THIS WILL LEAD TO TRUANCY, CRIME AND ULTIMATELY THE DESTRUCTION OF MANY MORE YOUNG LIVES.

WHAT ARE STUDENTS TO THINK WHEN THEY SEE OPEN DRUG DEALING FROM THEIR CLASSROOM WINDOWS? WHAT MESSAGE DOES THAT SEND? I'LL TELL YOU WHAT IT SAYS: IT'S OKAY TO FLOUT THE LAW, TO SELL DRUGS, TO CORRUPT THE YOUNG AND THE GOVERNMENT WILL DO NOTHING ABOUT IT.

I WILL NOT STAND FOR THIS. TWO DAYS AGO GOVERNOR CUOMO SIGNED INTO LAW A BILL THAT INCREASES THE PENALTY FOR THOSE WHO SELL DRUGS ON OR WITHIN 1000 FEET OF PUBLIC OR PRIVATE SCHOOL GROUNDS. I INTEND TO SEE TO IT THAT THIS LAW IS VIGOROUSLY ENFORCED. I HAVE DIRECTED THE CRIMINAL JUSTICE COORDINATOR TO TRACK THE PROSECUTION OF THESE CASES AND TO REPORT THE DISPOSITION OF THESE CASES TO ME. I SHALL BE IN REGULAR CONTACT WITH THE CITY'S PROSECUTORS TO URGE MAXIMUM PUNISHMENT OF THESE DEALERS.

THE PROFILE OF THE COCAINE OFFENDER IS ALSO EXPANDING. IN RECENT YEARS PHYSICIANS, ATTORNEYS, ACCOUNTANTS, AND EVEN AN AGENT OF THE FEDERAL BUREAU OF INVESTIGATION HAVE BEEN CONVICTED OF DRUG TRAFFICKING.

DRUGS KILL. THE NEW YORK CITY MEDICAL EXAMINER REPORTS THAT IN 1985 NARCOTICS CLAIMED AT LEAST 1,645 LIVES IN NEW YORK CITY. THE DRUG ABUSE WARNING NETWORK (DAWN) SURVEYED 27 METROPOLITAN AREAS ACROSS THE COUNTRY AND FOUND 7,563 NARCOTICS-RELATED DEATHS FOR THAT YEAR. UNREPORTED DRUG DEATHS AND STATISTICS FROM THE BALANCE OF THE NATION WOULD MAKE THIS NUMBER MUCH HIGHER, OF COURSE. COCAINE IN PARTICULAR HAS BECOME INCREASINGLY LETHAL, CAUSING 563 DEATHS LAST YEAR, 137 OF THEM HERE IN NEW YORK CITY. THE NATION WAS SHOCKED LAST MONTH WHEN COCAINE CLAIMED THE LIVES OF TWO HIGHLY TALENTED YOUNG ATHLETES, LEN BIAS OF THE UNIVERSITY OF MARYLAND AND DON ROGERS OF THE CLEVELAND BROWNS. THEY ARE BUT THE LATEST IN A LONG LINE OF DEATHS THAT HAS NO FORESEEABLE END.

THAT IS THE MESSAGE THAT YOU MUST TAKE BACK TO WASHINGTON.

IF NARCOTICS WERE LISTED ON THE NEW YORK STOCK EXCHANGE, ITS STOCK WOULD SPLIT REGULARLY. IT IS A GROWTH INDUSTRY, WHOSE PRICE IS ADDICTION, MISERY, DEFLECTED TALENT, UNREALIZED DREAMS AND DEATH. YET WE TOLERATE IT, EVEN ENCOURAGE IT, BY OUR LACK OF EFFECTIVE NATIONAL RESPONSE.

WHEN I ADDRESSED THE 1984 DEMOCRATIC NATIONAL CONVENTION AND SPOKE OF THE THREAT THAT DRUG ABUSE POSED TO OUR SOCIETY AND THE URGENT NEED FOR DECISIVE FEDERAL ACTION, SOME PEOPLE ACTUALLY BOOED, SAYING THAT DRUGS ARE NOT A NATIONAL ISSUE, BUT A LOCAL ONE. NO ONE SERIOUSLY DISPUTES ME NOW.

YOUR LETTER OF INVITATION PROPERLY ASKS FOR RECOMMENDATIONS FOR ACTION BY THE FEDERAL GOVERNMENT AGAINST "CRACK" AND OTHER DRUGS. THAT IS THE CENTRAL ISSUE - WHAT WASHINGTON CAN DO. STATE AND LOCAL GOVERNMENTS CAN DO LITTLE ALONE, AND CERTAINLY CANNOT HAVE ANY PERMANENT AFFECT UPON DRUG AVAILABILITY.

I FIRMLY BELIEVE AND HAVE CONSISTENTLY STATED THAT DRUGS ARE THE SCOURGE OF THIS COUNTRY. OVER TWO YEARS AGO I LAID OUT A PLAN FOR GREATER FEDERAL INVOLVEMENT AGAINST NARCOTICS. I WILL DO SO AGAIN TODAY.

BEFORE GIVING YOU MY RECOMMENDATIONS, I WISH TO PUBLICLY COMMEND PRESIDENT REAGAN FOR HIS LEADERSHIP IN APPROVING THE ACTIONS WITH THE GOVERNMENT OF BOLIVIA THAT WERE REPORTED ON JULY 16TH. THE PARTICIPATION OF OUR MILITARY IN A JOINT DRUG-ERADICATION MISSION WITH BOLIVIAN FORCES AGAINST LOCAL COCAINE TRAFFICKERS, AND THE DECISION TO WITHHOLD A PORTION OF THE SCHEDULED FOREIGN AID TO THAT COUNTRY FOR ITS FAILURE TO TAKE SUFFICIENT DRUG CONTROL MEASURES SHOULD BE ROUNDLY APPLAUDED BY ALL AMERICANS.

WHAT DOES THE BOLIVIAN ACTION MEAN? IT MEANS THAT THE LONGSTANDING FEDERAL MIND-SET ABOUT DRUG ENFORCEMENT HAS BEEN "CRACKED" BY THE "CRACK" EPIDEMIC. FOR THE FIRST TIME A PRESIDENT HAS DETAILED THE MILITARY TO BECOME DIRECTLY INVOLVED WITH A FOREIGN GOVERNMENT IN THE WAR AGAINST DRUGS.

THESE ARE IMPORTANT FIRST STEPS TOWARD CONVINCING DRUG-PRODUCING NATIONS THAT THE UNITED STATES WILL NO LONGER TOLERATE THE EXPORT OF NARCOTICS TO OUR SHORES BY THOSE COUNTRIES WHICH SEEK OUR FINANCIAL AID. I AM GRATEFUL TO THE PRESIDENT FOR HIS DECISION, AND WROTE TO HIM ON JULY 16TH TO SAY SO.

HOWEVER, INTERDICTION IS THE KEY TO STOPPING THE SUPPLY OF DRUGS. WE MUST END THE RESTRICTIONS OF THE POSSE COMITATUS ACT, WHICH PREVENT USE OF THE MILITARY IN CIVILIAN LAW ENFORCEMENT. THE ACTIONS OF THE PRESIDENT IN BOLIVIA

ARE A BEGINNING IN THAT DIRECTION, AND SHOULD BE EXPANDED TO OTHER DRUG-PRODUCING COUNTRIES WHERE WARRANTED. BUT IT IS NOT ENOUGH TO ATTACK DRUGS AT THEIR SOURCE. THE ARMY, NAVY, AIR FORCE, OTHER MILITARY SERVICES, AND FEDERAL LAW ENFORCEMENT AGENCIES SHOULD BE DEPLOYED AT OUR BORDERS AND ON THE HIGH SEAS TO STOP THE HUNDREDS OF TONS OF DRUGS THAT ARE NOW ENTERING THE COUNTRY.

LET ME CITE AN EXAMPLE OF HOW OUR RESOURCES COULD BE PUT TO BETTER USE. THE UNITED STATES NAVY HAS SEVEN TRIDENT NUCLEAR SUBMARINES, EACH COSTING 1.48 BILLION DOLLARS. IT IS OUR FERVENT HOPE THAT NONE OF THEM WILL EVER NEED TO BE USED IN DEFENSE OF THE NATION. THREE MONTHS AGO PRESIDENT REAGAN DECLARED INTERNATIONAL NARCOTICS TRAFFICKING TO BE A THREAT TO NATIONAL SECURITY. IF IT IS, SHOULDN'T WE BE SPENDING AT LEAST 3 BILLION DOLLARS, OR THE COST OF TWO TRIDENT SUBMARINES, TO MEET THAT THREAT? TO SAVE OUR PEOPLE FROM THE HORROR THAT DRUGS VISIT UPON THEIR LIVES AND THOSE OF THEIR FAMILIES?

THE COAST GUARD MUST ALSO BE DIRECTED TO QUICKLY IMPLEMENT AN IMPORTANT INTERDICTION WEAPON THAT IS NOT BEING USED. IN NOVEMBER OF 1984 CONGRESS PASSED PUBLIC LAW 99-145, THE 1986 DOD APPROPRIATION ACT. IT PROVIDED FUNDING FOR THE HIRING AND DEPLOYMENT OF 500 NARCOTICS INVESTIGATORS FOR THE COAST GUARD, WHO WOULD BE DEPLOYED ABOARD NAVAL VESSELS IN DRUG-SMUGGLING LANES. LAST MONTH, THE COAST GUARD INFORMED ME THAT IT HAD NOT RECRUITED OR DEPLOYED EVEN ONE OF THESE INVESTIGATORS, BUT WOULD GRADUALLY DO SO OVER THE NEXT THREE YEARS.

THIS IS SCANDALOUS! IF THE GOVERNMENT IS UNWILLING TO SPEND THE BILLIONS NEEDED TO RID US OF THE DRUG CURSE THAT ASSAILS AMERICA, SHOULDN'T IT AT LEAST SPEND THE 15 MILLION DOLLARS WHICH CONGRESS APPROPRIATED FOR THESE COAST GUARD NARCOTICS INVESTIGATORS FOR THIS FISCAL YEAR? WHY IS THAT MONEY NOT BEING SPENT ON THIS ESSENTIAL MISSION?

I PRESSED HARD FOR THE LEGISLATION THAT LED TO THIS APPROPRIATION. I FRANKLY RESENT THE INACTION AND INERTIA OF THE COAST GUARD IN IMPLEMENTING THIS VITAL INTERDICTION ASSET. YOU SHOULD RESENT IT ALSO. A SURGEON WOULD NOT WAIT THREE YEARS TO OPERATE ON AN ACTIVE LIFE-THREATENING CANCER. OUR COUNTRY CANNOT AFFORD THE LUXURY OF A THREE-YEAR WAIT BEFORE EFFECTIVELY DEALING WITH THE CANCER OF NARCOTICS. THE COAST GUARD MUST MOVE NOW AND YOU, THE CONGRESS, MUST MONITOR THAT MOVEMENT!

FEDERAL LAW ENFORCEMENT SHOULD BE REALIGNED TO MEET THE CHANGING REALITIES OF DRUGS IN AMERICA. THE ATTORNEY GENERAL SHOULD IMMEDIATELY DIRECT AT LEAST A TRIPLING OF THE NUMBER OF DRUG ENFORCEMENT AGENTS ASSIGNED TO NEW YORK AND OTHER MAJOR CITIES. THE FEDERAL BUREAU OF INVESTIGATION SHOULD DEVOTE SUBSTANTIAL MANPOWER AGAINST THE LUCRATIVE COCAINE TRADE. THE DRUG ENFORCEMENT ADMINISTRATION ASSIGNS ONLY 300 AGENTS TO THE NEW YORK REGION, WHICH INCLUDES NEW YORK CITY AND SEVERAL OTHER JURISDICTIONS. THE FEDERAL BUREAU OF

INVESTIGATION DEPLOYS ONLY ONE TEAM OF 12 AGENTS IN NEW YORK CITY DEDICATED TO COCAINE INVESTIGATIONS. IN 1984 THE D.E.A. ADMINISTRATOR SAID THAT HE WOULD NEED 40,000 AGENTS WORLDWIDE TO EFFECTIVELY CURTAIL THE DRUG FLOW INTO AMERICA. TWO YEARS LATER THERE ARE A MERE 2,400 AGENTS ON THE ROLLS.

FEDERAL PROSECUTION OF NARCOTICS DEALERS AT ALL LEVELS SHOULD BE DRAMATICALLY INCREASED. HERE IN NEW YORK CITY THE "FEDERAL DAY" PROGRAM FOR PROSECUTING STREET-LEVEL DEALERS HAS BEEN WELCOME AND EFFECTIVE. THAT PROGRAM SHOULD BE CONTINUED HERE, AND INITIATED IN EACH FEDERAL DISTRICT WHERE CONDITIONS PERMIT. IN NEW YORK CITY WE HAVE EXCEPTIONALLY TALENTED AND COMMITTED LOCAL PROSECUTORS WHO SUFFER FROM CRUSHING CASELOADS. THAT IS PROBABLY TRUE IN MANY OTHER PARTS OF THE COUNTRY AS WELL. THEY MUST RECEIVE AID FROM THE FEDERAL PROSECUTORS. FURTHERMORE, IN ORDER TO SHOW TRUE FEDERAL COMMITMENT AGAINST NARCOTICS, THE UNITED STATES SHOULD ASSUME EXCLUSIVE ORIGINAL JURISDICTION OVER ALL NARCOTICS CASES IN THE NATION FOR A BRIEF AND REASONABLE PERIOD OF TIME.

CONGRESS SHOULD CREATE SPECIAL UNITED STATES NARCOTICS COURTS TO DEAL WITH THE ANTICIPATED INCREASE IN FEDERAL DRUG PROSECUTIONS. SUCH COURTS WOULD ASSURE THE BEST AND MOST EFFICIENT PROCESSING OF THESE CASES WHICH SO DIRECTLY AFFECT LIFE IN AMERICA.

DETERRENCE OF THE DRUG DEALER MUST ALSO BE A HIGH PRIORITY IN BOTH STATE AND FEDERAL COURTS. SOME FEW JURISDICTIONS, SUCH AS NEW YORK AND FLORIDA, PROVIDE POSSIBLE LIFE SENTENCES FOR SOME DRUG CRIMES. THE FACT IS, HOWEVER, THAT FEW, IF ANY, DRUG OFFENDERS EVER SERVE LIFE. OTHER SANCTIONS SUCH AS HARSH FINES, AND ASSET FORFEITURES HAVE ALSO FAILED TO DETER SUCH VIOLATORS. THE DEATH PENALTY WILL DETER THEM. FEDERAL JUDGES SHOULD HAVE THE OPTION TO SENTENCE DRUG WHOLESALERS TO DEATH. WHILE CAPITAL PUNISHMENT IS AN EXTRAORDINARY REMEDY, WE ARE FACING AN EXTRAORDINARY PERIL. WE MUST HAVE THE RESOLVE TO UNEQUIVOCALLY SIGNAL TO THE DRUG WHOLESALER THAT THE PRICE FOR GETTING CAUGHT WILL BE THE ULTIMATE ONE. FOR THE DEATH PENALTY TO WORK, IT MUST BE USED, NOT MERELY THREATENED.

IMPRISONMENT IS ANOTHER DETERRENT TO SOME. PRESENTLY THE FEDERAL PRISON SYSTEM CONTAINS SOME 10,000 INMATES CONVICTED OF DRUG OFFENSES. THAT NUMBER IS FEWER THAN THE TOTAL NARCOTICS INMATES IN THE PRISONS OF JUST THREE OF OUR STATES: NEW YORK, ILLINOIS AND TEXAS. THE TOTAL FEDERAL PRISON POPULATION BARELY EXCEEDS THAT OF NEW YORK STATE. IT IS PLAIN THAT THE FEDERAL PRISON CAPACITY MUST BE INCREASED.

I ALSO RECOMMEND THE DESIGNATION OF SPECIAL FEDERAL NARCOTICS PRISONS, PREFERABLY IN REMOTE LOCATIONS SUCH AS THE YUKON AND DESERT AREAS. SEGREGATION OF DRUG OFFENDERS FROM OTHERS, AND THE SEPARATION FROM FAMILY AND FRIENDS, WOULD BE ADDITIONAL PUNITIVE MEASURES THAT COULD CONTRIBUTE TO THE POTENTIAL FOR DETERRENCE.

MOREOVER, THE COST TO THE TAXPAYER WOULD NOT BE PROHIBITIVE. THESE PRISONS NEED NOT BE BUILT IN DENSE POPULATION CENTERS, SUCH AS NEW YORK STATE, WHERE THE AVERAGE CONSTRUCTION COST IS $100,000 PER CELL. QUITE THE CONTRARY. BUILD THESE PRISONS IN THE OUTLANDS, WHERE COST IS MINIMAL AND WHERE THE ELEMENTS AND NATURE PROVIDE THE REQUIRED SECURITY.

IT IS IMPORTANT TO NOTE THAT THE CRIMES OF WHICH WE SPEAK, NARCOTICS, INVOLVE SUBSTANCES NOT GROWN OR PRODUCED IN THE UNITED STATES IN MOST INSTANCES. COCAINE, HEROIN AND 90% OF THE MARIJUANA CONSUMED HERE CROSSES INTERNATIONAL BORDERS WHICH THE FEDERAL GOVERNMENT IS CHARGED WITH POLICING. IT IS FITTING, THEN, THAT THE FEDERAL PRISONS HOUSE THE PERSONS WHO BRING THOSE SUBSTANCES INTO THE INDIVIDUAL STATES OR SELL THEM THERE.

BEYOND THE PUNITIVE ASPECT OF DETERRENCE, THERE IS THE FINANCIAL, THE ELEMENT OF PROFIT, TO BE CONSIDERED. IT DEFIES LOGIC THAT AT A TIME WHEN EXPERTS ESTIMATE THAT SOME 50-75 BILLION DOLLARS IN ILLEGAL DRUG MONEY IS GENERATED IN THE UNITED STATES EACH YEAR WE DO NOT HAVE A FEDERAL MONEY-LAUNDERING STATUTE. CONGRESS SHOULD FOLLOW THE 1984 RECOMMENDATION OF THE PRESIDENT'S COMMISSION ON ORGANIZED CRIME AND BAR MONEY TRANSACTIONS BY THOSE INTENDING BY THESE TRANSACTIONS TO PROMOTE OR PROFIT FROM UNLAWFUL ACTIVITY.

I ALSO RENEW MY CALL FOR REMOVAL OF THE $100 BILL FROM CIRCULATION. ON MARCH 19TH I WROTE TO TREASURY SECRETARY JAMES BAKER TO OFFER THIS SUGGESTION.

SIMPLE LOGIC POINTS TO THE $100 BILL AS THE PREFERRED CURRENCY OF DRUG DEALERS AND OTHER CRIMINALS. PROCEEDS OF STREET DRUG SALES ARE ROUTINELY CONVERTED TO HIGHER DENOMINATIONS, MOST OFTEN $100 BILLS. MOREOVER, THE AVERAGE AMERICAN HAS LITTLE, IF ANY, NEED FOR USE OF THAT BILL.

IN REJECTING MY SUGGESTION, SECRETARY BAKER OFFERED TWO PRINCIPAL REASONS: FIRST, THE DIFFICULTY OF REMOVAL, AND SECOND, THE INCONVENIENCE TO THE TRAVELLER. EACH OBJECTION LACKS MERIT.

IF THE POSSIBLE BENEFIT IS SUBSTANTIAL DISRUPTION OF THE ILLEGAL ECONOMY, IT IS NO ANSWER AT ALL TO SAY THAT THE RECALL PROCEDURE WOULD BE A BURDENSOME ONE FOR THE TREASURY. BY THAT LOGIC, HARD TASKS FOR WORTHWHILE ENDS SHOULD BE AVOIDED.

NOR DOES THE INCONVENIENCE TO THE SMALL PERCENTAGE OF AMERICANS WHO HAVE REGULAR LAWFUL NEED FOR THIS BILL JUSTIFY ITS RETENTION.

THE FACT IS THAT RECALL WILL HURT CASH-CONSCIOUS CRIMINALS WHERE THEY ARE MOST VULNERABLE, THE POCKETBOOK. THERE IS NO VALID REASON FOR NOT DOING SO.

I MAKE THREE OTHER SUGGESTIONS.

I CALL UPON CONGRESS TO PASS THE STATE AND LOCAL NARCOTICS CONTROL ASSISTANCE ACT OF 1986, WHICH YOU, MR. CHAIRMAN, SPONSORED. THIS BILL WOULD PROVIDE 750 MILLION DOLLARS ANNUALLY FOR FIVE YEARS TO ASSIST STATE AND LOCAL JURISDICTIONS TO INCREASE THEIR ENFORCEMENT, CORRECTIONAL, EDUCATIONAL, ERADICATION AND PROSECUTION CAPACITIES.

I ALSO SUGGEST THAT EVERY COMMERCIAL AIRLINE FLIGHT, PASSENGER SHIP, AND CARGO VESSEL ARRIVING IN THE UNITED STATES FROM ANY COUNTRY BE EXAMINED FOR THE PRESENCE OF DRUGS BEFORE ITS PASSENGERS ARE PERMITTED TO PASS THROUGH CUSTOMS OR ITS GOODS ARE OFF-LOADED. THE INSPECTIONS SHOULD INCLUDE DRUG-DETECTION DOGS AS WELL AS TRAINED INVESTIGATORS. IF NARCOTICS ARE FOUND, ARRESTS SHOULD BE MADE, AND THE PLANE OR SHIP AND ITS PASSENGERS RETURNED TO THE POINT OF ORIGIN. THE RESULTING INCONVENIENCE AND THE COST OF INVOLUNTARY RETURN WOULD PROVIDE AN IRRESISTIBLE INCENTIVE TO KEEP UNITED STATES-BOUND PLANES AND SHIPS DRUG-FREE.

THE FINAL SUGGESTION I OFFER CONCERNS THE DEMAND FOR NARCOTICS. GIVEN THE DANGERS AND DIMENSIONS OF DRUGS AS WE SEE THEM IN THE 1980'S, IT IS ESSENTIAL THAT WE DO ALL THAT WE CAN TO EDUCATE OUR CITIZENS ABOUT THE HARM OF DRUG ABUSE. A QUARTER CENTURY AGO PRESIDENT KENNEDY ESTABLISHED THE PEACE CORPS TO FURTHER THE GOOD OF MANKIND. WE MUST NOW FOLLOW THAT LEAD AND FOUND A NATIONAL DRUG EDUCATION CORPS, CONSISTING OF PROFESSIONALS TRAINED IN SUBSTANCE ABUSE THERAPY. THEIR MISSION WOULD BE TO DO ON A NATIONAL LEVEL WHAT THE NEW YORK CITY POLICE DEPARTMENT'S SCHOOL PROGRAM TO EDUCATE AND CONTROL DRUG ABUSE HAS DONE SO SUCCESSFULLY IN OUR SCHOOLS: TO ALERT OUR CITIZENS TO THE DANGERS OF DRUGS, AND THUS DIVERT THEM FROM ITS SNARE.

BEFORE CONCLUDING, I WISH TO NOTE WITH PRIDE THAT HERE IN NEW YORK CITY WE HAVE A POLICE DEPARTMENT AND POLICE COMMISSIONER WHO ARE SECOND TO NONE. THEY DO SPLENDID WORK, FOR WHICH WE ARE ALL GRATEFUL. BUT COMMISSIONER BEN WARD IS THE FIRST TO SAY THAT OUR POLICE CANNOT SOLVE NEW YORK'S STAGGERING DRUG PROBLEM ALONE.

"CRACK" COCAINE IS LIKELY TO BE WITH US FOR SOME TIME, BECAUSE IT IS CHEAP, POTENT AND POPULAR. IT IS ALSO LIKELY TO HAVE SEVERE CONSEQUENCES IN DRUG AND NON-DRUG CRIME. ALREADY THIS YEAR WE HAVE HAD IN NEW YORK SEVERAL PUBLICIZED HOMICIDES AND OTHER SERIOUS VIOLENT CRIMES WHICH APPEAR TO HAVE DIRECT CONNECTION TO "CRACK" USE.

"CRACK" COCAINE IS THE LATEST IN A SERIES OF TRENDY ENTRIES TO CAPTURE THE AMERICAN DRUG MARKET. WE MUST FASHION EFFECTIVE REMEDIES TO COUNTER ITS PERVASIVE APPEAL TO OUR YOUTH, AND MUST VIGOROUSLY PROSECUTE THOSE WHO SELL IT.

BUT WHILE WE DO THAT, WE ALSO MUST NOT LOSE SIGHT OF OUR OVERRIDING RESPONSIBILITY TO RID OUR NATION OF ALL DRUGS, AND NOT "CRACK" ALONE. TO DO THIS, THERE MUST BE A COMPREHENSIVE, CONSISTENT PLAN, DEVISED AND EXECUTED AGGRESSIVELY BY THE FEDERAL GOVERNMENT, TO ATTACK THE GRAVEST THREAT FACED BY AMERICAN SOCIETY SHORT OF WAR: NARCOTICS. IT IS YOUR JOB AS OUR REPRESENTATIVES IN CONGRESS TO SEE THAT THE GOVERNMENT ACQUITS THAT RESPONSIBILITY.

THANK YOU.

# TESTIMONY OF
# GORDON M. AMBACH
# PRESIDENT OF THE UNIVERSITY OF THE STATE OF NEW YORK
# AND
# COMMISSIONER OF EDUCATION

BEFORE THE SELECT COMMITTEE
ON
NARCOTICS USE AND CONTROL
CONGRESSMAN CHARLES RANGEL, CHAIRMAN

ONE FEDERAL PLAZA
COURT OF INTERNATIONAL TRADE
CEREMONIAL COURTROOM
NEW YORK, NEW YORK

July 18, 1986

Congressman Rangel, members of the Select Committee on Narcotics Abuse and Control. I commend you for taking leadership in bringing together the persons and the agencies essential to eliminate CRACK and other drug abuse epidemics from our society. Our efforts must be total -- using resources of Federal, State and local government. The campaign must be comprehensive joining law enforcement agencies; the courts; community, religious and family agencies; health, drug abuse, social service and educational agencies.

I speak today about the education component. This includes both direct instruction about drugs and the consequences of abusing drugs. It also includes importance of the entire educational program which must help students develop the motivation and capacity to reject the CRACK temptation and to lead a drug free life. No matter how heavy we may lay on instruction about the terrible consequences of drug abuse, youth will not resist drugs unless they are committed to other goals and motivations which lead them to a rewarding drug-free life. Education opportunities which prepare youth for that life-style are absolutely essential to eliminating drug abuse.

In November 1985, Dr. Michael Willie of the State Education Department addressed your Committee about drug abuse prevention education programs in New York State schools. I have met and communicated with you, Chairman Rangel and your colleagues, about State Education Department work with local school districts. Several meetings have also occurred between staff members of our Department and members of the Committee. In those meetings, we have outlined needs and requests to strengthen drug education.

This year, we proposed the following State actions to complement present levels of assistance to local schools for drug abuse prevention:

1. A State budget increase of $84,000 for Department staff support to local schools for instructional programs.

2. Assembly Bill #7480 to provide a network of regional school health education and service coordinators to serve all New York State schools including those in New York City. The requested appropriation for this legislation is $750,000.

3. Assembly Bill #9071 to promote the development of exemplary staff training among local schools. This bill would appropriate $1.5 million. A portion of these funds (between $100,000 and $200,000) would be used to implement model teacher inservice programs in drug abuse prevention

education at the elementary level. These model programs are presently being developed by the Department in cooperation with the New York State Divisions of Substance Abuse Services and Alcoholism and Alcohol Abuse.

4. The addition of extensive new State Aid to local schools for staff development. A portion of these State funds in conjunction with local funds, could be used at local discretion to provide for staff development for more effective instruction in drug education. We anticipated that up to $5 million of State and local funds could be used for this purpose.

Despite the strong letters of support for these initiatives from you, Chairman Rangel, and Congressmen Scheuer and Gilman (letters attached), none of these proposals were approved this year.

Even without these added funds we will carry on our work to the following extent.

1. Eighty-seven thousand copies of the Department's drug education curriculum are being reprinted for distribution and use in schools throughout the

State during the 1986-87 school year. These complement the initial 70,000 copies distributed to schools since 1981. Activities will also include teacher training in the use of the curriculum with a priority given to New York City schools and other high risk areas of the State. The Division of Substance Abuse Services recently published "Report on Crack" will also be included as a supplement to the curriculum and training. In the 1986-87 school year, we will provide inservice training in the use of the drug education curriculum to more than 2,000 teachers, administrators and school personnel. This is a four fold increase in the number reached over last year.

2. The State Education Department will initiate the establishment of a $1 million Comprehensive School Health Education Demonstration Program in elementary schools during the 1986-87 school year, to enhance children's health knowledge, skills, attitudes and behaviors so as to reduce the incidence of major health problems including substance abuse. Grants will be awarded throughout New York State to school districts and Boards of Cooperative Educational Services (BOCES)

to implement comprehensive health education and to replicate national or state-validated health education programs. Grant funds will also be used to develop a statewide advocacy program among school administrators for comprehensive health education programs. Drug abuse prevention will be an integral component of these comprehensive health education programs.

3. The State Education Department is working with the Division of Substance Abuse Services and the Division of Alcoholism and Alcohol Abuse to pilot a model teacher training project in drug and alcohol prevention education in grades K-3 in three school districts during the 1986-87 school year.

4. In the fall of 1986, the State Education Department will initiate a training program for school personnel in the use of the Department's "Health Education Syllabus Grades K-12." An integral part of the syllabus is drug education.

For 1987, we will repeat requests for the State bills you supported this year. We are increasing requests for appropriations by the State next year. In next year's State budget, we will be asking for $1.0 million to develop, validate, demonstrate and replicate model drug education programs. This would include funds to continue or expand the current "pilot projects" for the development and dissemination of model drug education programs to elementary and secondary schools. These will be coordinated by the Education Department, the Division of Substance Abuse Services, and the Division of Alcoholism and Alcohol Abuse.

We also are requesting funds to increase our Department capacity. The Department's Bureau of Health and Drug Education and Services is the primary program office responsible for these instructional areas. Staff in our Bureau of Curriculum Development work collaboratively with program bureau staff. This past fiscal year, approximately $170,000 of State funds have supported: professional positions in both bureaus, the development and printing of health and drug education curriculum materials, and staff-conducted teacher inservice training to assist local school personnel toward more effective instruction of children. For the next State fiscal year, I am requesting $500,000 more to provide funds for six professional staff positions and other related support costs ($290,000) to address critical drug abuse issues, particularly the "crack" epidemic. Funds will be used to prepare and disseminate materials; provide public service announcements; and conduct staff training and peer workshops targeted to prevent drug abuse in the highest incidence areas.

Drug abuse issues are nationwide; there are responsibilities to be met by the Federal Government in drug education. The Drug Education Act of 1986, H.R. 4155, introduced by you, Chairman Rangel, and Congressmen Scheuer and Gilman, is essential. This proposed legislation would provide funds to states for development of curricula, demonstration projects, drug abuse education training and technical assistance to schools to implement drug abuse prevention education programs. These funds are needed to connect with State and local funds for the task. We will help in any way to see you realize enactment of H.R. 4155.

The drug crises of the mid 1980's demands extraordinary public response. In the late 1960's, as our society was afflicted by another drug abuse crisis, the New York State Legislature and Governor Rockefeller authorized a $75 million youthful drug abuse program. The initial intent was for treatment of abusers, but it was rapidly realized that drug abuse prevention and education was as critical as treatment. More than 40 millions of those dollars were administered by the State Education Department through local school districts to set up networks of professionals and programs in both schools and community based organizations.

Unfortunately, with the State fiscal squeeze of the 1970's, most of that major program was lost. The CRACK crisis and other drug abuses demand that our State and Nation make a new commitment, at least of the magnitude of the Youthful Drug Abuse Act of the 1960's.

We will work with you to secure that commitment. Thank you.

# SENATOR D'AMATO, WHILE SUPPORTIVE OF BOLIVIAN ANTI DRUG EFFORT, MAINTAINS ONLY DRUG WAR BEING WAGED IS THE ONE AGAINST AMERICA'S YOUTH

U.S. Senator Alfonse M. D'Amato (R-C-NY) said today that the only drug war being waged is the one that drug dealers are waging against America's youth.

"The future of our young people is at stake. Yet we are not fighting back. We are not using the military to the extent we could. We have not given law enforcement authorities the manpower and resources they need. We do not provide effective drug education programs in the great majority of our schools and we have yet to enact a national drug rehabilitation program," D'Amato said.

## EDUCATION MOST IMPORTANT CHALLENGE:

"The most important task facing public officials today is to educate young people about the dangers of drug abuse.

"Young people must know that just one use of crack can lead them into lives of addiction. The drug threat we face endangers every one of our children. The battle against this threat is not being waged at the federal, state, or local level or in the private sector, in the schools, or in the home. We need a total commitment and we do not have one," the Senator said.

D'Amato said the federal government should use the $100,000,000 he successfully targeted this year for drug prevention and rehabilitation to identify programs that work and put them into effect across the nation. Earlier this year Congress adopted a D'Amato budget amendment that targets $300,000,000 for this purpose over the next three years.

## NEED TO DRAMATIZE THE PROBLEM:

The Senator, who last week participated in a Drug Enforcement Administration (DEA) undercover operation with U.S. Attorney Rudolph Giuliani and Federal Parole Commission Chairman Benjamin Baer said all three officials were "genuinely shocked" by how readily available drugs were in the middle of the day on a crowded city street.

"We sought to call attention in a very dramatic way to how easy it is for young people to buy drugs," D'Amato said.

"In addition to prevention and rehabilitation, we must have a total law enforcement effort at the international, federal, state, and local levels. When a drug dealer is arrested he must be prosecuted and sent to jail -- not back out onto the streets. The failure of our criminal justice system is undermining people's trust in government. They blame the police, who are actually doing the job we have hired them to do by making 56,000 drug arrests last year.

"The problem is not with the police. It is with a revolving door justice system that put only 5,000 of those 56,000 arrested in jail for more than one night.

"The crack epidemic is providing a rare window of opportunity to take united, effective action against the drug menace. The Federal Parole Commission has assured me that they will work to issue tougher guidelines, specifically targeting crack dealers. The Attorney General, Senator Chiles, and I will be meeting next week to develop a concerted federal effort surpassing anything we have done to date.

BOLIVIA OPERATION GOOD - BUT MORE NEEDS TO BE DONE:

"I commend the President for sending Army pilots into Bolivia to destroy cocaine laboratories. This must be only the beginning of a continuous and serious large scale action to eradicate drugs at the source.

"America must make full use of its military to interdict drugs coming into this country and we must provide our domestic law enforcement agencies at the federal, state, and local levels all the resources they need to win this battle," he said.

OTHER STEPS TO BE TAKEN:

1) Make full use of the $15,000,000 that Congress has allocated to put Coast Guard personnel on Navy ships operating in drug interdiction areas so actual arrests can be made with the assistance and active involvement of the U.S. Navy;

2) Prosecute crack dealers to the fullest extent of the law and put them in jail rather than back out onto the streets;

3) Strengthen the Immigration and Naturalization Service's ability to apprehend, detain, and deport criminal aliens, particularly drug dealers;

4) Attack the financial underpinnings that support drug trafficking by seeking the forfeiture of drug dealer assets and using them to strengthen drug law enforcement efforts;

5) Enact D'Amato sponsored legislation to combat money laundering by making it a crime and providing the Treasury Department with administrative subpeona power.

# STATEMENT TO THE UNITED STATES HOUSE OF REPRESENTATIVES SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

PRESENTED BY

CHARLES I. SCHONHAUT
DEPUTY CHANCELLOR
NEW YORK CITY BOARD OF EDUCATION

JULY 18, 1986

Thank you Mr. Chairman and Members of the Committee. Before I proceed, I wish to express my appreciation on behalf of Chancellor Nathan Quinones and the Board of Education for the wisdom and concern in convening this hearing and turning to the serious matter now at hand.

Our focus here today is on "Crack"... a more powerful and addictive purified form of Cocaine.

As you are painfully aware, drug abuse knows no bounds of age or avocation. Its shadow falls across American society at large. Regarding Cocaine use, for example, the Daily News' July 14, 1986 editorial page noted that -- "Just 20 years ago, the federal government listed Cocaine as "nonaddictive". Now America painfully knows better. Cocaine is dangerously addictive...more so than heroin. It's the fastest growing part of America's drug plague. The "Feds" say it has mushroomed into a $15 billion a year industry. What's the impact? Cocaine kills. It can trigger fatal heart attacks - a fact dramatized by the deaths of Len Bias and Don Rogers. The Public Health Service reports the number of Cocaine-caused deaths tripled in five years to 563 deaths in 1985. The Public Health Service also projects 13,000 Coke-caused emergency room cases this year."

"In New York City, the crime rate has surged over 1985. Police blame the leap on users of a cheap, powerful, plentiful derivative of Cocaine, Crack".

As youth tends to mirror the values or lack of values of its elders these problems clearly are reflected in the nation's school populations and they are exacerbated by other social pressures and trends. Among them are:

- -- Soaring numbers of working mothers and single-parent households.
- -- Decline in the influence of religious institutions on daily life.
- -- A withering away of the support system provided by the extended family, grandparents and older brothers and sisters that was so common in the past.

The use of Cocaine among young people is considered a national crisis. A recent survey of high school seniors showed that 17.3% of students have tried Cocaine at least once, while only about 33% saw much risk in experimenting with the drug. While the use of other drugs has declined during the past eight years, Cocaine use is increasing among students. In New York City, the Cocaine problem is just as serious. The most recent survey of substance use among New York City school children was produced by the New York State Division of Substance Abuse Services (DSAS) in 1984. The survey indicated that 16% of children in grades 7-12 had used Cocaine. That number appears to be increasing. According to both Board of Education and DSAS staff, there has been an increase in the use of Crack. Since it is being sold widely throughout New York City, is inexpensive to buy, and is considered glamorous and exciting, more youngsters are becoming involved with this deadly drug. Therefore, I project that the truancy and dropout rates will increase due to the usage of Crack by students.

The overall problem of drugs is not new. This city's public school system has been fighting it for well over fifteen years.

Initially, our efforts depended primarily on "scare techniques". Children were told the devastating effects of drugs on the body. Audiovisual materials depicted the sordid lifestyles and deaths of addicts. Guest speakers, many of them ex-addicts, recounted experiences to assemblies and classes. While this approach was not without merit, it eventually came to be judged less than satisfactory. On the one hand, some children's interest became piqued to an extent actually leading to their own drug experimentation.

On the other hand, and more importantly, it became clear that an effective program for preventing substance abuse could not be simplistic, but would have to be comprehensive, affective, and humanistic -- viewing substance abuse, not as the entire problem per se, but as a symptom of other mental health problems. This was the genesis of today's school based drug and alcohol abuse prevention and intervention programs. As the name indicates, efforts are directed at two areas:

> Prevention measures include helping youngsters develop sound decision-making skills, coping skills and communication skills, as well as providing factual information on harmful effects of drug and alcohol abuse.
>
> Intervention services include individual, group and family counseling to students and their parents.

With New York City's public elementary and junior high schools organized on a basis of community school districts, their programs under the two headings are tailored to the needs of the particular target population. High schools have the separate "SPARK" program. Staff members are trained in detecting symptoms in youngsters which may lead to alcohol and drugs. Manifestations of self-destructive behavior regularly encountered include truancy, street crime, involvement in street gangs, poor family and peer relationships, promiscuity, and poor academic achievement.

Last year, the 33 School-Based Drug and Alcohol Prevention Programs serviced 150,000 students citywide. These programs are considered an effective means of fighting drug abuse. However, as the drug problem is changing, the programs must also grow and change to meet the increased demand for services. We have begun to make changes by networking and pooling resources with other agencies.

SPECDA (School Program to Educate and Control Drug Abuse) began on February 4, 1985 as a pilot program in two school districts and is sponsored jointly by the New York City Board of Education and the Police Department. The program is an enrichment of School-Based Substance Abuse Prevention Programs. SPECDA has two main goals: (1) educating children about the hazards of drug abuse while providing strategies to resist the temptation to try drugs; and (2) reducing the sale of drugs in the vicinity of schools through intensified enforcement activities. The enforcement effort is separate and distinct from the education component.

Teams of police officers and drug counselors provide drug education lessons to 5th-and 6th-grade children on such topics as self-awareness, peer pressure, positive alternatives to drug abuse, and decision-making.

SPECDA immediately drew an enthusiastic response from children, parents, teachers, and school administrators. The program evaluation, conducted by John Jay College of Criminal Justice, found SPECDA to be effective in imparting to children a greater awareness of the dangers of drug abuse and in providing a foundation conducive to positive, long term drug avoidance. An additional benefit of SPECDA is the greater understanding created among children, school personnel, and police. There appears to be greater sensitivity to and mutual respect for all participants.

Based on the positive response, SPECDA was expanded in September, 1985, and operates in seven school districts. In addition, the SPECDA assembly component serves remaining districts, high schools, and selected special education classes. SPECDA has continued to be a popular program. Next year SPECDA will expand again to serve 15 school districts, approximately half the city.

The Police Department is also engaged in an enforcement component of SPECDA. Designed to provide children a drug-free corridor to school, police make drug arrests in the vicinity of 335 targeted schools within the city. A total of 7,153 arrests have been made. 57% felonies, 38% misdemeanors, and 5% violations. Of the total arrests, 62% were made in the vicinity of elementary schools. Marijuana and Cocaine were the most prevalent drugs that were confiscated. Of the total arrests, 40% were Marijuana related and 34% were Cocaine related.

The School Based Prevention Programs are also coordinating a drug prevention speakers bureau that involves athletes and educators as drug-free role models. The Winfield Foundation has been providing the athletes, free of charge. Athletes, entertainers, students, parents and school personnel have all considered this a worthwhile and exciting program. The Metropolitan Life Foundation has funded the National Council on Children of Alcoholics to provide the staff of the New York City Substance Abuse Prevention Programs with materials and training. During a recent workshop experts in the field trained staff to (1) become aware of the special needs of children of alcoholics, (2) develop strategies on counseling children of alcoholics, and (3) train teachers to recognize children of alcoholics and make referrals for assistance. We look forward to a continued relationship with these organizations.

The Board of Education has recently begun planning sessions wih the New York Mets Organization to develop a drug abuse awareness program for elementary school children. The anti-drug message will be communicated through posters, workbooks, and special sports contests and events. Currently, a sponsor is being sought to fund the development of curriculum guides for every elementary student within the system.

Are these programs aimed in the right direction? We believe they are. It may be useful to note these estimated per-capita yearly service costs within various types of drug-related programs:

| | |
|---|---|
| Incarceration | $30,660.00 |
| Treatment Programs (e.g., Phoenix House) | 2,100.00 |
| New York City's School-Based Drug Prevention Programs | 51.90 |

Do these school-based programs deliver? We believe they do and so do authoritative independent observers. In 1978, an extensive state-wide evaluation of school-based programs by the New York State Divison of Substance Abuse Services found such programs result in:

Decreased drug usage and truancy
Increased ability to relate with others.

With specific regard to New York City, a decrease in use of hard drugs was found. In 1981, in its "Report To The New York State Legislature On School-Based Prevention and Education Programs," the DSAS attested to the these results:

More positive attitudes toward parents, schools, and selves
Better decision-making skills
General agreement that the intervention programs are beneficial.

In 1982, Joseph A. Califano Jr., Special Counselor to Governor Carey, commented as follows in the "Report on Drug Abuse and Alcoholism:"

"New York is a national leader in developing school-based early intervention programs. School districts across the nation should follow this lead and establish programs."

Currently, Dr. Arthur Sullivan, Principal Investigator, is conducting an in depth evaluation of the 33 School-Based Drug and Alcohol Abuse Prevention Programs. The evaluation will be completed by the end of the school term in 1987. The evaluation findings will certainly be shared with the Chairman and Members of this Congressional Committee.

Are these programs of New York City's public schools getting the support they merit and need? Emphatically not. In 1971, under the aegis of Governor Rockefeller, New York State first undertook funding of youthful drug abuser programs. Monies made available to New York City's public schools totaled $18.6 million in State funding.

Today, 15 years later, the budgeted figure for 1986 stands at $17.5 million -- much lower than in 1971, leaving to one side such factors as inflation and salary adjustments.

What are the consequences? In 1971, drug prevention counselors in New York City's public schools numbered 1,200 -- hardly an over-supply, in view of the scope and importance of the problem.

In 1986, we find that figure has dropped by almost half to just 520. In programs such as ours, the loss of just one counselor can be tremendous and we have lost 680. Junior high schools which service a particularly significant segment of the school population with regard to potential for drug abuse had two or three counselors per school in 1971. Now, in 1986, the picture has been reversed and one counselor must service two or even three junior high schools.

In 1971, almost all elementary schools in the city's 32 community school districts had at least one counselor. Just three years later, massive budget cuts led to a wholesale pull-out. Today, notwithstanding the mounting reports of drug abuse at younger and younger ages, the great majority of our elementary schools have no resident counselors at all. Counselors are made available only on an "as needed" basis, when some specific individual problem comes to light. By then, for far too many of our elementary school children, it may be already too late.

In overall terms -- elementary, junior high, high school -- our prevention and intervention programs today can service roughly 150,000 students out of a total enrollment of approximately one million children.

With specific regard to the intervention component, the picture is even more bleak. Available funds permit service on an ongoing basis to only 40,000 youngsters out of the total citywide population.

Is there a way to turn the tide? We believe there is, and that it warrants the committee's earnest consideration.

First, there seems a clear need for direct federal funding, in a substantial way and presumably via the National Institute on Drug Abuse for School Drug Prevention Programs.

Although a portion of federal block grants to New York State may eventually reach such programs, the State may elect to direct the funds to other drug modalities.

To date, the sole direct manifestation of federal support for drug prevention programs in New York City's public schools has been via supplies of a comic book featuring "The New Teen Titans" for distribution in the fourth and fifth grades. Some help, of course, but hardly enough.

Mr. Chairman, Chancellor Quinones has certainly supported your ideas for a comprehensive method of delivery drug education and prevention services. He shares your view that resources and funding should be targeted at the elementary grades.

How much do New York City's public schools need to do a proper job in the drug-prevention area, including reinstitution of adequate coverage in junior high and elementary schools? A preliminary estimate as to an adequate total annual budget, on an overall basis and regardless of source of funds, is in the range of $40-45 million. That compares with the current level of $17.5 million and $18.6 million in 1971. Second, and again in relation to NIDA, there is a need for the federal government to take on a leadership role in the on-going evaluation, coordination, and advocacy of drug prevention programs.

New York City's public schools system has learned, through experience, what works. Even in the face of woeful under-financing, New York City today has the most comprehensive model of school-based prevention/intervention programs functioning within grades 1-12 in the United States, but we believe our skills could be sharper still.

After identifying effective programs, for example NIDA could create mobile technical-assistance teams. These would be utilized throughout the country, focusing on in-depth training and workshops, and providing specialized assistance at any point from pre-proposal writing to on-going supervision and evaluation.

I hope today's hearing will prove a useful and productive step in a healthy direction. I hope, too, that it will serve as part of a national movement. If there are questions, I shall be glad to respond. Thank you.

# TESTIMONY BEFORE THE HOUSE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

ONE FEDERAL PLAZA
NEW YORK, NEW YORK

JULY 18, 1986

BY JULIO A. MARTINEZ
DIRECTOR
NEW YORK STATE DIVISION OF SUBSTANCE ABUSE SERVICES
250 BROADWAY
NEW YORK, NEW YORK 10007
(212) 587-2035

CONGRESSMAN RANGEL, DISTINGUISHED COMMITTEE MEMBERS AND STAFF: THANK YOU FOR THE OPPORTUNITY TO ADDRESS THE COMMITTEE REGARDING THE SERIOUS PROBLEM OF CRACK.

WHAT WE ARE SEEING TODAY IS MORE AND MORE DRUG USE IN THE STATE OF NEW YORK. SINCE 1981, COCAINE ADMISSIONS TO TREATMENT PROGRAMS HAVE INCREASED FROM 5% TO 30%. OUR SCHOOL SURVEY SHOWED THAT 46% OF SECONDARY SCHOOL STUDENTS USE MARIJUANA. OUR PROGRAMS ARE FILLED TO CAPACITY AS THEY FRANTICALLY TRY TO MEET THE CHALLENGES OF HOMELESS SUBSTANCE ABUSERS, AIDS (WHICH ISN'T GOING AWAY) AND THE NEW AND DEADLY THREAT OF CRACK. I WANT TO STRESS THAT CRACK, WHICH HAS BEEN HIGHLY PUBLICIZED BY THE MEDIA, IS ONLY PART OF A LARGER DRUG PROBLEM, ALL OF WHICH MUST BE DEALT WITH.

YES, THE AGENCY HAS BEEN CRITICIZED BY A LOT OF PEOPLE WHO HAVE A KNEE JERK RESPONSE TO A PROBLEM THAT IS INTERNATIONAL IN SCOPE AND OVER WHICH I HAVE NO JURISDICTION. DRUG ABUSE HAS BOGGLED THE MINDS OF SCIENTISTS. I AM NO SCIENTIST. IT HAS DISRUPTED THE EDUCATIONAL SYSTEM. I AM NO EDUCATOR. I HAVE A TITLE BUT I DON'T CHOOSE TO USE IT BECAUSE TITLES COME AND GO. I CONSIDER MYSELF MORE OF A SOLDIER IN THE BATTLEFIELD WORKING TO HELP THE VICTIMS WE CAN SAVE AND SHOWING HUMAN COMPASSION FOR THOSE FAMILIES THAT HAVE LOST THEIR SONS AND DAUGHTERS TO THIS DREADED DISEASE.

I WILL SHARE WITH YOU WHAT NEW YORK STATE IS DOING:

- $10.5 MILLION IS BEING DIRECTED TO NEW AND EXPANDED TREATMENT AND PREVENTION PROGRAMMING FOR THOSE WITH DRUG PROBLEMS, INCLUDING CRACK USERS.
- $2 MILLION IS BEING PROVIDED TO STERLING JOHNSON TO BEEF UP NARCOTICS PROSECUTIONS IN NEW YORK CITY.
- INCREASED MONIES WILL BE USED FOR EXPANSION OF SCHOOL-BASED SUBSTANCE ABUSE PREVENTION PROGRAMS THROUGHOUT THE STATE.

- Public information materials, such as "Crackdown on Crack," will be distributed to increase awareness of the dangers and consequences of using this drug.

- The Mobile Action Centers (MAC) are being deployed throughout New York City to reach out to youth and to offer substance abuse education and referral services.

- Coverage of the Division's toll-free telephone line (1-800-522-5353) has been expanded for those seeking information on Crack or referral to treatment because of Crack use.

- Crack awareness training is being provided to substance abuse treatment and prevention professionals, health care workers, law enforcement personnel, clergy and other concerned groups.

- A cooperative project has begun with Federal, State and local law enforcement agencies to educate youth, parents and the community about the dangers of Crack and other drugs.

- Special Crack information bulletins have been distributed to hospital emergency rooms, social services agencies, law enforcement personnel, and others to provide information related to each group's area of interest.

- RADIO AND TELEVISION PUBLIC SERVICE ANNOUNCEMENTS (PSA'S) ARE BEING PRODUCED TO WARN OF THE DANGERS OF CRACK.
- SPECIALIZED SUBSTANCE ABUSE AWARENESS TRAINING IS SCHEDULED FOR STAFF OF THE DIVISION FOR YOUTH, THE DEPARTMENT OF CORRECTIONAL SERVICES, THE DIVISION OF PAROLE, AND OTHER STATE AGENCIES.

- WE ARE WORKING WITH THE STATEWIDE NETWORK OF 254 CAPDA, COMMUNITY ACTION GROUPS AND OTHER COMMUNITY-BASED AGENCIES TO INCREASE PUBLIC UNDERSTANDING OF THE CRACK PROBLEM.

I AM PROUD OF WHAT NEW YORK STATE IS DOING BUT WE CANNOT DO IT ALONE. I DON'T EXPECT A FINANCIAL COMMITMENT FROM YOU AT THIS MEETING, BUT IF YOU HAVE MONEY, WHEN I LEAVE I'LL TAKE THE CHECK. IT ALWAYS BOGGLES THE MIND THAT WHEN HUMAN SACRIFICES HAVE TO BE MADE, IT IS ALWAYS THE PEOPLE WHO LIVE ON CRUMBS WHO GET THE MEAT CLEAVER.

IF YOU ARE SERIOUS IN YOUR DESIRE TO DO SOMETHING ABOUT THE DRUG PROBLEM, I HAVE FIVE RECOMMENDATIONS FOR YOU TO CONSIDER:

1. I RECOMMEND THAT YOU TAKE ACTIVE MEASURES TO BEEF UP FEDERAL INTERDICTION EFFORTS AND LAW ENFORCEMENT EFFORTS TO CURTAIL DRUG TRAFFICKING. ($10 MILLION)

2. I RECOMMEND THAT ADDITIONAL RESOURCES BE ALLOCATED TO THE JUDICIAL SYSTEM IN NEW YORK STATE TO REDUCE THE BACKLOG OF CASES INVOLVING DRUG DEALERS. ($10 MILLION)

3. I RECOMMEND THAT MORE SPACE BE ESTABLISHED IN OUR CRIMINAL JUSTICE
SYSTEM SO THAT WE CAN PUT DRUG DEALERS AWAY INSTEAD OF TURNING THEM LOOSE ON THE STREET. ($10 MILLION)
4. I CHALLENGE YOU TO RECOGNIZE THE SEVERITY OF THE DRUG PROBLEM BY MATCHING NEW YORK STATE'S INCREASED COMMITMENT TO THE SUBSTANCE ABUSE TREATMENT AND PREVENTION NETWORK. ($10 MILLION)

5. FINALLY, I RECOMMEND THAT A SPECIAL CABINET POSITION BE ESTABLISHED AT THE FEDERAL LEVEL THAT WILL HAVE RESPONSIBILITY FOR ACTIVELY COORDINATING ALL OF THESE EFFORTS. THIS ONE WON'T COST A DIME.

WITHOUT A FEDERAL COMMITMENT TO THESE RECOMMENDATIONS, I SEE LITTLE HOPE AND A DIM FUTURE. I WILL, HOWEVER, GO BACK TO MY BAND OF 350 DIVISION STAFF AND THE DEDICATED PROGRAMS OF NEW YORK STATE TO TRY AND CAPTURE AS MUCH GROUND AND GET WHAT SUPPORT I CAN TO MEET THESE PROBLEMS.

THANK YOU AND GOD HELP US!

Testimony by William Hopkins

Supervisor of the Street Research Unit for the
New York State Division of Substance Abuse Services,
At A hearing called by the Select Committee on
Narcotics Abuse and Control.

Held on July 18th 1986 in the Ceremonial Courtroom of
the United States Court of International Trade, At One
Federal Plaza, New York City.

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I believe I have been asked to testify at this hearing because of my unique position with the New York State Division of Substance Abuse Services. I supervise the Street Research Unit, which is a part of the Bureau of Research and Evaluation. The Unit, now seven years old, is supported and nurtured by Julio Martinez, the Director of the agency, who wants to know about the drug activity on the streets of New York. Mr. Martinez wants to be informed on the latest drugs that are sold, the patterns of use and the consequences of use. He wants to know how many people are buying and selling drugs and in what communities the dealing is taking place. He also wants demographic data on the buyers, sellers and users and to be kept apprised of new or changing trends in street drug activity. Mr. Martinez wants this information as fast as it develops. To respond to these needs is the mission of the Street Research Unit. First, I would like to tell you how the Unit gathers its information, and then the Unit's findings regarding Crack.

The Street Research Unit, believed to be the only one of its kind in the country, consists of eight black, white and Hispanic men and women, who are full time state employees, most of whom are ex-drug abusers. All are extremely street smart and have been taught certain basic research skills.

These men and women spend seven and a half hours a day working in the areas to which they have been assigned, hanging out with persons who are buying, selling and using drugs. They do not make drug buys and they do not identify themselves as researchers. They mix and mingle with drug abusers, eavesdropping and asking probing questions, trying to learn the nature and extent or drug activity in that area. Their findings are reported daily by phone to me, and they are called into the office, individually and as a Unit periodically for debriefing sessions.

At a debriefing meeting in December 1983, a member of the Unit first reported hearing the word "Crack". At this time, no member of the Unit knew what the word meant, but they were instructed as part of routine procedure to listen for it again and to learn what it is about. In March 1984, a man in the Bronx was reported as smoking what he called "Crack".

In late 1984 based on the knowledge we gained of Crack and our experience with cocaine and the street addict, we realized that this could be the start of something serious. Under the direction of Mr. Martinez we continued to gather information on Crack and to monitor the street situation.

In the past year and a half that the Street Research Unit has been monitoring Crack throughout the New York City area, the problem has spread at an unbelievable rate. The rapid spread, based on street sources was due mainly through word of mouth from one user to another who bragged about how great the high was. The media, although highlighting the evils of Crack, also spread the word. In the time that we were monitoring Crack we have seen or learned the following:

- Crack has grown from an almost unknown substance in early 1985 to the drug of choice in 1986.

- We saw people selling and using Crack not only in the known drug copping areas, but in quiet residential areas throughout the five boroughs.
- We saw many people selling Crack who never sold drugs before, and we saw many people using Crack who never used drugs before.
- In the same year and a half, we saw Crack being used by persons from 13 years through 50 years of age, and have heard reports of people using it as young as 8 years and 9 years.
- We found Crack being sold in all five boroughs in New York City and witnessed Crack sales in front of at least a dozen schools.
- We saw Crack being sold in low, medium and high income areas, and being bought by persons, who by dress, ranged from the disheveled homeless person to the 3-piece suit, executive type.
- We have seen the number of telephone calls about Crack coming into the Division's Information Line jump from none in 1984 to more than 50 percent of all calls in June 1986.

Because of the rapidly rising epidemic situation on Crack a pilot study was conducted of 241 drug users, 168 of whom currently smoke Crack. (A copy of this study is attached.)

Highlights of the study of drug users were:

- Of the 168 Crack users we spoke to, 73 percent said that the drug had changed their lives for the worst.
- Sixty percent said that they get money for their Crack illegally.
- Twenty nine percent said they needed help to stop smoking Crack although most had been using the drug for less than six months.
- The vast majority of the 168 Crack smokers felt that youths under the age of 16 years were being attracted to Crack.
- Some drug users are switching from cocaine snorting and cocaine and heroin injecting to Crack smoking; some because of fear of Aids and others for the extra euphoria they report they get from Crack.
- Interestingly, of the 241 drug users we spoke to, 30 percent said that they don't use Crack. Their reasons for not smoking are summed up by a statement made by one person who said "Nobody in their right mind should want to fly that high."

All of the things we have learned while monitoring this drug shows that cocaine especially in the form of Crack is an extremely dangerous and addictive drug. It has reached epidemic levels in some sections of our State, it is endangering the lives of thousands of users and it is encroaching rapidly on our young people.

I remember in the nineteen seventies the thousands who said that they were not addicts because they did not shoot heroin, and bragged that they only snort cocaine, the respectable and accepted drug. Cocaine, the so-called respectable drug of the seventies, now in the eighties especially in the form of Crack is the deadly drug. I believe Crack smoking has already equalled or surpassed the heroin problem of the sixties. However, unlike the heroin epidemic many people do not fully realize the seriousness of cocaine smoking. There are those who feel that because they are only smoking and not injecting their drug the dangers are fewer. The problems of cocaine smoking may even be more serious than heroin injection because of the fact that so much of it is absorbed by the lungs and the speed and volume to which it is carried to the heart and brain. Another observation that compounds the Crack smoking problem is that users are difficult to spot, since there is virtually no nodding out and few physical signs that can lead to early detection. Also, many Crack smokers can continue to perform normal activities unless they become chronic users. Parents and friends may only realize that there is a problem when the user becomes ill and/or shows unusual behavior.

Suggestions to help stem the spread of Crack

1. Julio Martinez, the director of DSAS, has taken the lead to increase the public's awareness of Crack and to show that use of the drug affects everyone and that we stand a better chance of controlling it if everyone joins the fight, i.e., the police, community, teachers, counselors, businessmen, legislators, parents, etc.
2. A serious war against drug abuse must be waged by the federal government and supported by our top national leaders. More of the military should be used to keep heroin and cocaine away from our shores, and federal funds should be used to support expanded treatment and prevention services from kindergarten and up.
3. Renew the fight to close down headshops. I find citizens are horrified to learn that most drug paraphernalia is easily available.
4. Although it will be difficult to accomplish, attempts should be made to outlaw the sale of vials or control the sales only to legitimate users.
5. For research and monitoring purposes the Division has a treatment reporting system which collects data on drugs of abuse and route of administration on client admissions. The Narcotics Division of New York City Police Department already distinguishes Crack arrests from other arrests; other law enforcement agencies should follow suit. Hospital emergency rooms and medical examiners should also record if the patient or decedent had used Crack.

NEW YORK STATE

DIVISION OF SUBSTANCE ABUSE SERVICES

Street Research Unit
William Hopkins

# A NON-RANDOM STUDY OF CRACK SMOKERS

June 6, 1986

Due to the concern over Crack use in New York City, members of the Street Research Unit conducted a study of Crack users throughout the five boroughs. The study took place from May 7th through May 28th.

A nonrandom sample of 241 drug users was selected, broadly representing the persons who loiter in the streets or in public locations often frequented by drug abusers throughout the City. Demographically, the sample was: 55 percent male and 45 percent female; 42 percent Hispanic, 36 percent black and 20 percent White; the modal age group was between 15 years and 24 years of age, although ages ranged between 12 and 47.

The items of inquiry in the study included the use of Crack, the consequences of Crack use, the amounts of money spent, others who use Crack, and other drugs used with Crack. Although most respondents were interviewed formally, about one-third revealed the information informally in the course of conversation.

Of the 241 respondents, 70 percent were current users of Crack, 14 percent had used but stopped and 16 percent were drug users who had never used Crack. Those who used Crack but stopped said that the Crack was causing health problems and financial difficulties for them and therefore they stopped. Those who never used said that the hearsay and the media coverage were enough to dissuade them from use. One such respondent said, "Only a fool would want to fly that high." The findings that follow concern those who are current Crack users.

## Major Findings

- Of the 168 current Crack users, 73 percent said that Crack smoking changed their lives for the worse, and that they are now doing things they had never done before.
- Almost 60 percent of those who use Crack reported that they get their money for it illegally. Most respondents reported that they had several ways of getting money, including prostitution, stealing and the selling of drugs.

- Crack smokers were asked how much money they spent a day on the drug. The amounts reported ran from $10 to $800 with over 50 percent spending about $50 a day. Several users reported that they did not know how much they spend; others responded they spend too much.

- About 29 percent felt that they were in trouble and needed help to stop smoking Crack although most of these users had been smoking for less than six months.

- About 69 percent said they prefer it to other drugs; most reported switching from other drugs to Crack. The reasons given most often for preferring the drug was the "good high". Others said they liked it because it was inexpensive, easy to use, and that they were afraid to use needles. Some said, however, that Crack is too dangerous to use regularly.

- When the respondents were asked about others they know who use Crack, the vast majority felt that teen-agers--especially under 16 years of age--were being attracted to the drug. The reasons they gave most frequently included peer pressure, the reported good high, the ready availability of the drug, and the fact that it is smoked, inexpensive and easy to use. Several respondents spoke of dealers who give out free samples, and of men who give it to girls in turn for sexual favors. Others reported that Crack was the first drug for many teen-agers.

- Crack smokers were also asked about Crack dealers and how many they knew. Their responses varied from 1 to 5 persons through 75 to 100 persons. One respondent replied "lots of people" another said "half of Brooklyn", and still another said "everybody".

- Crack smokers reported they use other drugs with Crack. Marijuana was used the most frequently, followed by pills and alcohol. Although described in various ways the reason given for using another drug with Crack was to ease the depressed state that follows the high.

- Of the many ways users described how Crack changed their lives, loss of health was cited the most frequently (27 times), closely followed by financial problems (21 times), loss of friends and pride (18 times), and serious family problems (17 times). "I am sick all the time" and "I messed up my life," were the type of comments expressed most often. Some people spoke of feelings and behaviors that they had never had before, such as suicidal feelings, child abuse, spouse abuse and rape.

Nine Crack users who felt their lives had improved gave as reasons" always feeling good, having no more problems, and gaining prestige by having more money and girls.

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GRANDVIEW SCHOOL
*EAST RAMAPO CENTRAL SCHOOL DISTRICT*
46 GRANDVIEW AVENUE, MONSEY, NEW YORK 10952

PHONE (914) 356-4100

**DR. LILLIAN GLOGAU**
*Principal*

TESTIMONY of:

Dr. LILLIAN GLOGAU

before the

HOUSE SELECT COMMITTEE ON NARCOTICS ABUSE

18 July 1986

GRANDVIEW SCHOOL
EAST RAMAPO CENTRAL SCHOOL DISTRICT
46 GRANDVIEW AVENUE, MONSEY, NEW YORK 10952
PHONE (914) 356-4100

DR. LILLIAN GLOGAU
*Principal*

15 July 1986

As an educator I feel compelled to respond to the drug abuse crisis in our country on an educational level. For thirty years as an educational administrator I have watched sweet delicious young children come to school eager to succeed. Too often I now have to watch these self same children fall by the wayside. Today youngsters who are the product of mothers on drugs during conception and parturition are our babies at risk, youngsters not ready to learn or grow alongside their peers. Add to these youngsters those who are "on" drugs themselves and we are beginning to sense the enormity of the problem. Research tells us 12½ years is the mean age of children who begin to take drugs in one form or another. Certainly it is self evident that it would be wise to begin education to reduce drug demand at the tender age of five or six at the very latest.

It is recommended that a kindergarten - through - sixth grade Health Education Program include substantive drug abuse and prevention programs in all our schools and at every grade level. Teachers should be carefully trained to provide this critical instruction. The federal government in collegial relationship with states and local districts might serve as resource, a national information center, furnishing updated statistics, models, research news, data and information. Regional counsels (consisting of pediatricians, local community leaders, obstetricians, law enforcement agents, clergy, educators and social service personnel) should meet frequently to examine realistic data for their local communities.

Drug education programs designed to reduce demand should not fail to present the grim statistics and facts to the young. Experiments showing rats and monkeys so frenzied by cocaine habit that they starve themselves to death are valid albeit tough examples for discussion. Young children must be made to see the human carnage drug addiction creates.

There is a very effective project "Kids on the Block" which sensitizes children to disabled children (blindness, cerebral palsey, mental retardation, etc.). It utilizes young talented actors and actresses (2-4 in each unit) who operate Japanese style Bunraku half life size puppets. These charming puppets come into the schools and interact directly with children in small groups. We would like to utilize the concept of Bunraku like puppets as continutiy characters in addition to formal classroom instruction. These characters should be introduced

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*EAST RAMAPO CENTRAL SCHOOL DISTRICT*
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DR. LILLIAN GLOGAU
*Principal*

on 30 - 60 second TV commercial spots, i.e. Saturday A.M. cartoon time. Children should become so familiar with each character from the TV exposure that they would look forward to the visit to their school. It would take 300 puppeteer teams to reach every elementary school in the country. It goes without saying that pilot regions might be a first step. A drug education program of this dimension would require the combined resources of the private sector, and government on every level.

The DEA Demand Reduction Unit teaches "Say no, it's your decision". Is this not an appropriate response to teach the very young? We need to raise conciousness. Let's turn our children on to how good and wonderful our lives are, why throw them away? In the last ten years we have watched a revolution in America. At a party we hear John say "No I can't have another drink tonight, I'm the driver". Our DWI programs are beginning to work. Young children get into cars and buckle up automatically. It is the older generation which is still resisting. Our Safety Belt Programs are beginning to work. A little boy says to his mother "Don't smoke that cigarette Mom, it's not good for you". Our Anti Smoking Campaigns are beginning to work. Did you know that we have gone from the glamorous sophisticated image of cigarette smoking to a time where it is now considered impolite, rude if you will, to offer anyone a cigarette?

Surely we can do the same with drug demand reduction. Surely we can raise the conciousness of America's children so that in five years we can hear a little girl say "Daddy, did the doctor tell you to take that pill?"

Because that's where it all begins, in the medicine cabinet.

Surely we must..............................

Lillian Glogau
Lillian Glogau, Ed. D.

# TESTIMONY
# BY
# POLICE COMMISSIONER
# BENJAMIN WARD

BEFORE THE
HOUSE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

JULY 18, 1986

ON JULY 1ST I ATTENDED THE FUNERAL OF A 22 YEAR OLD POLICE OFFICER NAMED SCOTT GADELL. I SAW PAIN AND SADNESS IN THE FACES OF HIS FAMILY, HIS FRIENDS, AND THE 5,000 POLICE OFFICERS WHO HAD ASSEMBLED TO PAY THEIR FINAL RESPECTS TO THIS FINE YOUNG MAN. IF YOU HAVE EVER ATTENDED A FUNERAL FOR A POLICE OFFICER KILLED IN THE LINE OF DUTY YOU KNOW, AS I DO, THAT IT IS AN EVENT YOU CAN NEVER FORGET. I HAVE TAKEN PART IN FAR TOO MANY OF THESE CEREMONIES. THEY ARE THE MOST DIFFICULT PART OF MY JOB.

AS I STOOD AMONG THE MOURNERS I COULD NOT HELP WONDERING JUST HOW MUCH WORSE NEW YORK CITY'S DRUG CRISIS WILL HAVE TO BECOME BEFORE WE BEGIN TO TURN THE TIDE. POLICE OFFICER GADELL, YOU SEE, WAS KILLED IN A GUN BATTLE BY A MAN WE BELIEVE TO BE A DRUG DEALER, AN ILLEGAL ALIEN, AND A USER OF THE HIGHLY ADDICITVE COCAINE VARIANT KNOWN AS CRACK.

AND WHILE OFFICER GADELL'S FAMILY WILL GRIEVE, THEY WILL SUFFER NO MORE THAN THE FAMILIES OF MANY OTHER NEW YORKERS WHOSE LOVED ONES HAVE LOST THEIR LIVES AS VICTIMS OF VIOLENT DRUG-RELATED CRIMES OR TO DRUG ADDICTION ITSELF.

A CRACK EPIDEMIC HAS HIT OUR CITY. BUT CRACK IS NOT A NEW PHENOMENON. THE FIRST COCAINE EPIDEMIC LASTED FROM 1885 TO THE 1920'S -- ABOUT 35 YEARS. IT WASN'T UNTIL 1914 WITH THE HARRISON ANTI-NARCOTIC ACT THAT THE DISTRIBUTION OF COCAINE WAS CONTROLLED AT ALL. DRUG USE IN AMERICA ABOUNDED WITH LOW-COST, HIGH PURITY, AND LEGAL DISTRIBUTION OF COCAINE THAT COULD BE SMOKED OR INHALED JUST LIKE CRACK. THE MAJOR DIFFERENCE TODAY, HOWEVER, IS THAT CRACK PROMISES TO PRODUCE MORE MISERY.

WE DON'T HAVE TO LOOK VERY FAR TO SEE THE RESULTS OF CRACK ABUSE. A CLERGYMAN WAS MURDERED RECENTLY IN WHAT WAS BELIEVED TO BE A CRACK-RELATED ROBBERY; AN ELEVEN YEAR OLD GIRL WAS THROWN THIRTY-ONE FLOORS TO HER DEATH -- ALLEGEDLY BY HER CRACK-USER UNCLE. AND DRUG DEALERS REGULARLY MURDER EACH OTHER. NEW TRAGEDIES UNFOLD EACH DAY.

TO UNDERSTAND THE NATURE AND EXTENT OF CRACK TRAFFICKING IN NEW YORK CITY, I THINK IT WOULD BE HELPFUL TO FIRST EXPLAIN HOW THE SUBSTANCE ARRIVES ON OUR STREETS.

NEW YORK CITY DOES NOT PRODUCE THE DRUGS THAT ARE SOLD HERE.

IN SOUTH AMERICA COCA LEAVES ARE HARVESTED AND PUT THROUGH A PROCESS WHERE COCAINE BASE IS MADE. THE COCAINE BASE IS TRANSFORMED INTO A CHEMICAL COMPOUND, COCAINE HYDROCHLORIDE, COMMONLY KNOWN AS "COKE" OR "POWDER". COKE IS SMUGGLED INTO THE UNITED STATES IN MULTI-KILOGRAM QUANTITIES AND SOLD TO DISTRIBUTORS WHOSE CLIENTS TRANSFORM THE COKE BACK INTO COCAINE BASE WITH A SIMPLE PROCESS THAT CAN BE PERFORMED IN ANY KITCHEN.

THE END PRODUCT IS CALLED CRACK SINCE IT IS A SOLID THAT IS "CRACKED" INTO SMALL PIECES SOMETIMES CALLED "ROCKS". CRACK ROCKS ARE PACKAGED IN TINY VIALS EACH HAVING A NET WEIGHT OF ABOUT ONE GRAIN AND SELLING FOR ABOUT $10.

IN NEW YORK CITY, WE KNOW THAT ABOUT 90% OF ALL COCAINE HYDROCHLORIDE IS STILL BROUGHT IN BY COLOMBIAN NATIONALS WHO SELL TO THE SAME DISTRIBUTORS THEY HAVE ALWAYS DONE BUSINESS WITH. THE DISTRIBUTORS' "CLIENTS" OR ANYONE ON THE TRAFFICKING LADDER, MAKE THE CONVERSION FROM COKE TO CRACK. THE NEW "TWIST" IN THE TRAFFICKING PATTERN IS THAT LOWER ECHELON TRAFFICKERS CAN BOOST PROFITS BECAUSE OF THE POTENCY, THE INTENSIFIED EUPHORIC EFFECT, AND THE ADDICTIVE CHARACTER OF CRACK.

CRACK IS MORE PROFITABLE THAN COKE. ALTHOUGH CRACK IS MORE EXPENSIVE BY WEIGHT THAN COKE, IT IS SOLD IN MUCH SMALLER DOSAGE UNITS, EACH UNIT COSTING MORE THAN AN EQUIVALENT WEIGHT OF COKE. CRACK PRODUCES GREATER EUPHORIA THAN COKE BUT FOR A SHORTER PERIOD OF TIME. CRACK IS ALSO MORE ADDICTIVE.

FIRST CRACK SEDUCES THE USER BECAUSE IT'S CHEAP AND YOU CAN SMOKE IT. THEN IT HOOKS HIM AS A FUTURE CUSTOMER BECAUSE THE HIGH IS SO INTENSE AND THE ADDICTION IS ALMOST IMMEDIATE. ONLY A FEW EXPERIENCES WITH CRACK SEEM TO PRODUCE SEVERE PHYSICAL AND PSYCHOLOGICAL ADDICTION.

IRONICALLY, CRACK SALES CAN BE VIEWED AS A CLASSIC EXAMPLE OF A HIGHLY SOPHISTICATED AND SUCCESSFUL MARKETING TECHNIQUE. THE SITUATION IS NEARLY ANALOGOUS TO A MANUFACTURER WHO SELLS YOU A "NEW AND IMPROVED" LAUNDRY DETERGENT CALLED A CONCENTRATE.

HE ACTUALLY MAKES MORE PROFIT BY OFFERING A MORE POWERFUL PRODUCT, IN A SMALLER BOTTLE, AT A PROPORTIONATELY HIGHER PRICE. THE CONSUMER USES LESS OF IT AND GETS BETTER PERFORMANCE. THE OBVIOUS DIFFERENCE IS THAT CLEVER MARKETING OF LAUNDRY DETERGENT DOES NOT RESULT IN VIOLENT CRIME, DRUG ADDICTION, AND ULTIMATELY DEATH. ONCE CONFINED TO THE UPPER REACHES OF MANHATTAN, CRACK CAN NOW BE PURCHASED IN ANY OF THE FIVE BOROUGHS OF NEW YORK CITY AND IS RAPIDLY BECOMING AVAILABLE IN THE SUBURBS.

USING THE ARREST ACTIVITY OF OUR NARCOTICS DIVISION AS A BAROMETER, WE HAVE CONCLUDED THAT CRACK IS NOW THE DRUG OF CHOICE AMONG USERS OF ILLEGAL DRUGS IN NEW YORK CITY.

IN JANUARY OF 1985, OF ALL COCAINE ARRESTS MADE BY THE NARCOTICS DIVISION THERE WERE FEWER THAN 15 ARRESTS FOR CRACK. IN JANUARY OF 1986 CRACK ACCOUNTED FOR 41% AND NOW CRACK ACCOUNTS FOR 75% OF THESE ARRESTS.

THERE ARE SEVERAL OTHER ENFORCEMENT INDICATORS WHICH ATTEST TO THE ALARMING POPULARITY OF CRACK.

FOR EXAMPLE:

-- "DURING THE MONTH OF JUNE, THE POLICE DEPARTMENT RECEIVED A TOTAL OF 5836 DRUG COMPLAINTS OF ALL KINDS. 38% OF THESE WERE ALLEGATIONS INVOLVING CRACK.

-- IN THE SPECDA PROGRAM, WHERE WE MAKE DRUG ARRESTS IN SCHOOL NEIGHBORHOODS, 86% OF OUR TOTAL COCAINE ARRESTS INVOLVED CRACK DURING JUNE. THIS IS 13% HIGHER THAN IN MAY WHEN CRACK ARRESTS REPRESENTED 73% OF THE TOTAL COCAINE ARRESTS.

-- WITH INCREASING FREQUENCY, DRUG SALES ARE MOVING INDOORS TO EVADE OUR INTENSE STREET-LEVEL DRUG ENFORCEMENT ACTIONS. TO COUNTER THIS TREND WE USE PREMISES SEARCH WARRANTS. IN THE FIRST HALF OF 1985 THERE WERE ONLY 2 CRACK WARRANTS OUT OF 121 OR 1.7%. IN THE FIRST HALF OF 1986 WE APPLIED FOR 296 SUCH WARRANTS AND 83% OR 247 WERE FOR CRACK.

THE PICTURE I HAVE PAINTED OF THE CRACK PROBLEM IN NEW YORK CITY IS A STUDY IN FRUSTRATION. BUT WE ARE TRYING TO AVOID DROWNING IN A SEA OF DRUGS IN NEW YORK AND THE POLICE DEPARTMENT HAS RESPONDED IN SEVERAL POSITIVE WAYS.

OUR BASIC APPROACH TO THE ENFORCEMENT CHALLENGE IS TO CONDUCT UNDERCOVER BUY-AND-BUST OPERATIONS REINFORCED BY INCREASED UNIFORMED POLICE PATROLS. ON MAY 21, 1986, WE ANNOUNCED THE ESTABLISHMENT OF THE SPECIAL ANTI-CRACK UNIT CONSISTING OF 101 EXPERIENCED INVESTIGATORS.

THESE 101 MEN AND WOMEN SUPPLEMENT THE NARCOTICS DIVISION PERSONNEL AND REPRESENT A SUBSTANTIAL COMMITMENT OF RESOURCES BY THE DEPARTMENT. THIS IS THE FIRST TIME THAT AN ENTIRE UNIT HAS BEEN DESIGNATED TO DEAL WITH A SPECIFIC DRUG. THE COMMAND HAS CITYWIDE JURISDICTION AND IS HIGHLY MOBILE TO PROVIDE AN IMMEDIATE RESPONSE TO COMPLAINTS OF CRACK TRAFFICKING ANYWHERE IN THE CITY.

TO DATE THE UNIT HAS MADE A TOTAL OF 403 ARRESTS FOR SALE AND POSSESSION OF CRACK, 94% OF THEM FOR FELONIES. THROUGH THESE ARRESTS WE WERE ABLE TO CLOSE THESE LOCATIONS FOR ILLEGAL USE AND DEVELOP NEW CONFIDENTIAL INFORMANTS.

WE HAVE ALSO INSTITUTED A SPECIAL DRUG ENFORCEMENT PROGRAM IN THE WASHINGTON HEIGHTS SECTION OF MANHATTAN. KNOWN AS OPERATION "CLEAN HEIGHTS", THIS INITIATIVE IS GEARED TOWARD AGGRESSIVE ON-THE-STREET, BUY-AND-BUST ACTIONS AND STRESSES THE USE OF PREMISES SEARCH WARRANTS TO GET AT THE DEALERS WHO HAVE MOVED INDOORS. UNIFORMED POLICE OFFICERS PLAY A VERY IMPORTANT PART IN RAIDS AS A DETERRENT FORCE PREVENTING RE-OCCUPATION OF AREAS WHERE DRUG PUSHERS HAVE BEEN ARRESTED. SINCE APRIL 11, 1986 OPERATION CLEAN HEIGHTS HAS PRODUCED 1864 ARRESTS AND THE SEIZURE OR 109 FIREARMS AND 7 VEHICLES.

THE COMMITTEE IS FAMILIAR WITH OPERATION PRESSURE POINT. THIS PROGRAM IS NOW IN A MAINTENANCE MODE IN THREE SECTIONS OF THE CITY: CENTRAL HARLEM, THE LOWER EAST SIDE, AND THE 14TH STREET UNION SQUARE AREA. WE SAY THAT PRESSURE POINT IS IN A MAINTENANCE MODE BECAUSE IT HAS PASSED THROUGH THE INTENSIVE BUY-AND-BUST ACTIONS PHASE. TODAY WE MAINTAIN THE STABILITY OF THESE AREAS THROUGH THE CONTINUED POLICE PRESENCE TO DEAL WITH SPORADIC INCIDENTS OF DRUG SALES.

AS I REPORTED TO THIS COMMITTEE LAST NOVEMBER, WE HAVE DEMONSTRATED THE SUCCESS OF THIS TACTIC NOT ONLY BECAUSE BLATANT ON-STREET DRUG TRAFFICKING HAS BEEN LARGELY CURTAILED IN OUR PRESSURE POINT AREAS BUT ALSO BECAUSE REPORTS OF MAJOR CRIMES SUCH AS ROBBERY, BURGLARY, AND GRAND LARCENY HAVE SHOWN DRAMATIC AND SUSTAINED REDUCTIONS WITHIN EACH OF THE TARGET NEIGHBORHOODS. ALL THIS WAS ACCOMPLISHED WITHOUT ANY SIGNIFICANT DISPLACEMENT OF DRUG TRAFFICKING TO ADJOINING NEIGHBORHOODS.

ALONG WITH THESE INITIATIVES, THE DEPARTMENT CONTINUES TO SUPPORT BOTH STATE AND FEDERAL LEGISLATION WHICH WOULD LOWER AGGREGATE WEIGHT REQUIREMENTS FOR SALE AND POSSESSION OF CRACK.

IN FAIRNESS TO THIS FORUM, HOWEVER, I MUST SAY THAT WE HAVE REACHED A STAGE IN NEW YORK CITY'S DRUG CRISIS, WHERE THE RESOURCES AVAILABLE TO THE CRIMINAL JUSTICE SYSTEM ARE ON THE VERGE OF BEING OUTSTRIPPED BY THE CONDITION.

THE DRUG CRISIS WE ARE FACING IS AS MUCH A WAR AS WORLD WAR II WAS. NATIONS THAT EXPORT ILLEGAL DRUGS TO AMERICA ARE GUILTY OF NOTHING LESS THAN SUBJECTING US TO A PEARL HARBOR IN SLOW MOTION. AND PEOPLE IN THIS COUNTRY, MANY OF THEM ILLEGAL ALIENS, WHO IMPORT AND DISTRIBUTE ILLEGAL DRUGS ARE COMMITTING ACTS OF TREASON. OUR DRUG WAR IS ONE THAT MUST BE FOUGHT BOTH AT HOME AND ABROAD, WITH EQUAL ATTENTION GIVEN TO SUPPLY AND DEMAND.

ON THE SUPPLY SIDE:

OUTSIDE OUR BORDERS, PRESSURE MUST BE BROUGHT TO BEAR ON THOSE NATIONS WHICH CULTIVATE AND EXPORT ILLEGAL DRUGS. THIS IS THE RESPONSIBILITY OF THE FEDERAL GOVERNMENT. THE STATE DEPARTMENT, THE JUSTICE DEPARTMENT, THE CENTRAL INTELLIGENCE AGENCY, AND THE PRESIDENT HIMSELF ARE FAILING IN THIS RESPONSIBILITY. IN MANY CASES THEY ARE WORKING AGAINST EACH OTHER.

TO ELIMINATE SUPPLY WE MUST ALSO STRIVE FOR IMPLEMENTATION OF MANDATORY SHORT-TERM INCARCERATION FOR DRUG TRAFFICKERS. THIS CAN ONLY BE DONE IF INCREASED FUNDING IS MADE AVAILABLE FOR LOCALITIES ENGAGED IN DRUG ENFORCEMENT. WE NEED FUNDING NOT JUST FOR POLICING, BUT FOR THE OTHER COMPONENTS OF THE CRIMINAL JUSTICE SYSTEM.

IN NEW YORK CITY, FOR EXAMPLE, WE EFFECTED ABOUT 56,000 DRUG ARRESTS DURING 1985. LAST YEAR IN MANHATTAN 3 OF 4 PEOPLE CONVICTED OF MISDEMEANORS -- FOR SELLING OR POSSESSING SMALL QUANTITIES OF DRUGS -- GOT NO JAIL TIME BEYOND THAT SERVED BETWEEN ARREST AND ARRAIGNMENT. THE STATE'S PRISON SYSTEM, THEN AS NOW, OPERATES AT 110% CAPACITY. WITH 37,607 PRISON CELLS IN THE STATE WE CANNOT POSSIBLY HOUSE ALL THE DRUG OFFENDERS -- NOT TO MENTION MURDERERS, ROBBERS, RAPISTS, AND BURGLARS. WITH 6-9 TRIAL JUDGES IN CRIMINAL COURT IN MANHATTAN, AND 14-15 CITYWIDE, WE CAN NOT EXPECT TO TRY ALL OF THE FELONY DRUG ARRESTS THAT D.A.s REDUCE TO MISDEMEANORS TO CLEAR CALENDARS. FELONIES REDUCED TO MISDEMEANORS CAN BE DISPOSED OF AT ARRAIGNMENT WHERE 1/3 OF ALL CRIMINAL COURT JUDGES NOW SIT.

THE NEW YORK CITY POLICE DEPARTMENT COULD PROBABLY DOUBLE ITS DRUG ARRESTS GIVEN ADDED RESOURCES, BUT WHO WILL PROSECUTE ANOTHER 50,000 ARRESTEES? WHO WILL TRY THEM AND WHERE WILL THEY BE INCARCERATED?

INCREASING ARREST ACTIVITY WITHOUT THE LIKELIHOOD OF APPROPRIATE PUNISHMENT MAKES A MOCKERY OF THE CRIMINAL JUSTICE SYSTEM.

INCREASING THE POLICE MANPOWER WITHOUT INCREASING JUDGES, PROSECUTORS, AND JAIL SPACE PLAYS A CRUEL JOKE ON THE PUBLIC.

ON THE DEMAND SIDE:

THE FEDERAL GOVERNMENT MUST PAY MORE ATTENTION TO THIS DRUG-INFESTED CULTURE. THERE IS SOMETHING TRAGICALLY WRONG WITH OUR VALUES AS A SOCIETY WHEN DRUG ABUSE HAS BECOME SUCH A COMMON AND ATTRACTIVE PAST TIME. THERE IS SOMETHING WRONG WITH OUR PRIORITIES WHEN WE ALLOW PUSHERS OF LETHAL DRUGS TO PROSPER AND THE USERS, THE CHILDREN OF OUR COUNTRY, TO DIE.

THIS COMMITTEE IS FAMILIAR WITH SPECDA, THE PROGRAM SPONSORED JOINTLY BY THE NEW YORK CITY POLICE DEPARTMENT AND THE BOARD OF EDUCATION -- THE SCHOOL PROGRAM TO EDUCATE AND CONTROL DRUG ABUSE. WE ARE COMMITTED TO THE BELIEF THAT ENFORCEMENT EFFORTS MUST BE COUPLED WITH EDUCATION TO TEACH KIDS HOW TO SAY "NO"

TO DRUGS IN THE FIRST PLACE. WE BELIEVE IN THIS PROGRAM AND WE ARE EXPANDING IT. I AM SUBMITTING FOR THE RECORD TODAY A VIDEOTAPE DESCRIBING THE SPECDA CURRICULUM. REACHING 5TH AND 6TH GRADERS IN THE CLASSROOM THROUGH AN 8 WEEK CURRICULUM AND HIGH SCHOOL STUDENTS THROUGH AN ASSEMBLY PROGRAM -- WE ARE CURRENTLY IN 7 OF THE 32 SCHOOL DISTRICTS IN THE CITY. BY SEPTEMBER WE WILL BE IN 15 -- ALMOST HALF THE CITY'S SCHOOL DISTRICTS. WE BELIEVE THAT SPECDA REACHES THE RIGHT PEOPLE, IN THE RIGHT PLACE, AT THE RIGHT TIME.

THE SAD TRUTH, HOWEVER, IS THAT ONLY $3 MILLION OF THE $18 BILLION EDUCATION DEPARTMENT BUDGET IS ALLOCATED FOR DRUG ABUSE EDUCATION. ONE CAN HARDLY CALL THAT A DOLLAR-ACKNOWLEDGMENT OF A NATIONAL "TOP PRIORITY".

## CONCLUSION

I BELIEVE THAT MANDATORY SHORT-TERM SENTENCING COUPLED WITH FURTHER INCREASES IN DRUG ARREST ACTIVITY WILL PROVIDE SOME IMMEDIATE RELIEF TO THE SUPPLY SIDE OF THE PROBLEM ON THE HOME FRONT.

I BELIEVE THAT A FEDERAL COMMITMENT TO CLOSING OUR BORDERS TO ILLICIT DRUGS WILL REDUCE THE FLOW OF DRUGS INTO THE UNITED STATES AND NEW YORK CITY.

I AM CERTAIN THAT LONG-TERM DRUG ABUSE EDUCATION, TREATMENT AND REHABILITATION ARE AN ABSOLUTE NECESSITY IF WE ARE TO HONESTLY ADDRESS THE DEMAND SIDE OF THE PROBLEM.

IN 1909 THEODORE ROOSEVELT CONVENED AN INTERNATIONAL CONFERENCE TO STAMP OUT WORLD-WIDE DRUG TRAFFICKING. EVERY PRESIDENT SINCE HAS TRIED. THE TIME HAS COME FOR THE FEDERAL GOVERNMENT TO BACK-UP ITS POLICIES WITH THE FUNDING NEEDED TO GET THE JOB DONE. IF WE DO NOT PAY NOW FOR ADDED RESOURCES TO FIGHT THE DRUG WAR, WE WILL CERTAINLY PAY LATER.

THANK YOU.

# STATEMENT AND TESTIMONY OF ROBERT M. MORGENTHAU
# DISTRICT ATTORNEY OF NEW YORK COUNTY BEFORE
# THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL
# U.S. HOUSE OF REPRESENTATIVES
# July 18, 1986

Thank you for the opportunity once again to address this committee on the growing epidemic of narcotics abuse. Over the years I have appeared before this committee on a number of occasions to urge a greater federal effort in the fight against drugs in this country. I am here to renew that request, which is being echoed by many others, who have appeared before you. This time my request has even greater urgency than before because of the continuing escalation of narcotics in this country.

Drugs are pouring into this country at ever increasing rates. Since 1980, the amount of heroin smuggled into this country has more than doubled and the amount of cocaine has more than quadrupled. In 1980, approximately 25 tons of cocaine were illegally imported into this country. In the last year, approximately 125 tons of cocaine found its way here.

Today, cocaine is the country's most abused narcotics substance. While there are approximately 500,000 heroin addicts, there are four to five million regular cocaine users. Some experts even estimate that there are as many as ten million regular cocaine users.

We are literally being overwhelmed. This city and nation are facing a problem of crisis proportion -- a problem that is growing daily as the use of crack continues to grow and becomes more wide-spread. The poison of cocaine has become magnified and accessible to all in the form of this powerfully addictive and deadly substance.

Two Sundays ago a young man tried to jump off the Brooklyn Bridge, depressed because he had stolen and sold his mothers VCR to support his crack habit; several weeks ago a young man told police he had fatally stabbed his mother when she objected to his using crack; two outstanding young athletes have died as a result of crack overdoses. If there is any reason for hope in the midst of these tragedies, it is that crack is causing the entire nation to focus on the narcotics problem. For a very long time, narcotics has been this city's number one crime problem. Yet, it has never received the public attention and government response it deserves.

When I meet with community members and leaders, they do not complain about the crimes that grab the headlines -- the murders, rape and robberies. Their overwhelming concern is the drug peddlers who now sell drugs in every part of the city. Once confined to the city's poorest neighborhoods, drugs are now everywhere. No neighborhood or individual is immune. The dealers can be found in the city's business districts and even in the parks of elite neighborhoods. Those who live on "good" blocks and send our children to "good" schools have as much to fear as their less fortunate neighbors. Drugs are sold on the doorsteps of many schools and even inside some schools. Every teenager knows a nearby location where they can be bought. Crack is the newest menace to our young people. We are on the verge of creating a new generation of addicts.

Crack is especially threatening because it is cheap -- it costs $10 for a high. It is cleanly and easily ingested -- it is smoked like cigarettes or marijuana. It produces an instant and intensely pleasurable high. It is highly addictive -- far more so than heroin. It is extremely easy to manufacture and distribute. It can be mass produced in huge quantities from relatively small amounts of cocaine at a kitchen stove using kitchen implements. We can expect crack addiction to spread at far more rapid rates than heroin addiction and we can expect it to hit all economic levels of our society.

The crack epidemic will lead to more crime. Years of research have shown that drugs and crime are inextricably connected, that drug users are enmeshed in a criminal life style and commit every conceivable type of crime. A recent study of defendants arrested in Manhattan, which involved testing arrestees' urine for drug use, discovered that over half the defendants arrested on felony charges had used an illegal drug within 24 to 48 hours of their arrests. The study tracked the future arrest history of these defendant drug abusers and discovered that they were the most likely to be recidivists and that they committed all types of crimes including violent crimes, at much higher levels than non-drug users.

Our citizens are angry and frustrated by the seeming inability of law enforcement officials on both the local and federal levels to control narcotic trafficking. In the past, I thought that we were treading water; today I feel we are drowning.

Nonetheless, law enforcement officials at the local level have been making enormous efforts against an overwhelming tide. Let me tell you what we have done and what we are doing. The Special Narcotics Prosecutor's Office, headed by Sterling Johnson, has over the past five years doubled the number of defendants indicted for narcotics crimes. Last year, in Manhattan alone, we obtained over 3100 indictments. In the first six months of this year, we have obtained over 2000 narcotic indictments. We are sending more people to prison and jail for longer terms than ever before. In 1985, the city's Special Narcotics Prosecutor sent over 1400 narcotic offenders to prison or jail. Nine hundred and eighty or 42 percent of those convicted for narcotic offenses were sent to state prison. Five hundred and twenty four or 24 percent of those convicted were sent to city jail. Of those charged only with misdemeanor narcotic offenses, my office was responsible for sending 3500 convicted narcotic offenders to city jail. In the first six months of 1986, 914 convicted narcotic offenders were sent to prison or jail.

New York State has some of the toughest drug laws in the country. Its prisons and jails are bursting with narcotic and other offenders. Today, there are incarcerated in New York State prisons nearly 37,000 inmates. This is more than all of the sentenced inmates in the United States Bureau of Prisons facilities in all of the 50 states. The figure of 37,000 inmates in state prison does not even include the thousands of defendants serving sentences under less than one year in local jails. Yet, the drug problem is getting worse, not better.

What then has been the response of the federal government? Much hard work has been devoted by the few federal authorities who have been available for arrest and prosecution of drug cases. This effort has had a minimal impact and is not the best use of federal resources. In all of 1985, the Southern Distict of New York handled only 313 "federal day" narcotic arrests, compared to the over 3,000 narcotic defendants indicted in state court in Manhattan. In all of Fiscal Year 1985, only 242 defendants were sentenced to federal prison from the Southern District of New York, which in this city includes all of Manhattan and the Bronx as well as some suburban counties. During a comparable period in 1986, in Manhattan alone, 980 defendants were sentenced to state prison. Moreover, the average sentence to state prison for narcotic offenders was longer than the average sentence for narcotic offenders committed in the federal system. Perhaps even more significantly, the average time actually served on a federal narcotic conviction was only 21.7 months or 42 percent of the sentence actually imposed.

As these statistics indicate, the state prosecutor's have in the past, and must in the future, continue to bear the burden in the battles against street narcotic pushers. But to have any chance of success in the war against narcotics -- the federal government's efforts must be directed at a different level. The enormous resources available at the federal level must be used in a manner in which they can be most effective. What is needed is a powerful and well-coordinated federal response.

To begin, the federal government must do more to prevent the production of drugs in foreign countries and to interdict these drugs as they come across our borders. In 1983, Congress adopted the Rangel-Gilman-Hawkins Amendment which requires the State Department annually to report on how well the major drug exporting countries are controlling production. If there is no progress, the President must cut off all forms of financial assistance. In the three years that the Amendment has been law, there has been a dramatic expansion of cocaine production in Bolivia, Peru, Columbia, Equador and Brazil and in every other drug producing country in the world. This administration has yet to cut off aid to any of these countries.

The primary responsibility of the federal government in any coordinated effort to deal effectively with the drug problem in our country must involve the stopping of drugs at the source. This means that our government must work closely with those countries which are now the major producers of the cocaine and heroin consumed in our country. Just this week, the United States Army was used to aid the Bolivian government in destroying the drug crops in that country by conducting raids on Coca plantations and laboratories. This is a major step in the right direction and these efforts should be applauded and encouraged.

A second major area of federal responsibility is the interdicting of narcotics at our borders. Federal help is needed to stop the supply of drugs coming into the country. The coca leaves used to make "crack" are not grown in New York State. Neither the Mayor, the police commissioner nor the district attorneys of New York City have the military might, the control of immigration and customs, the power to make and break treaties, the national police force, the international and national legal jurisdiction, to stop the importation of cocaine and heroin into New York City. And until the federal government invokes its tremendous powers and makes the commitment of energy and resources to block the supply of drugs coming into this country, all of the efforts of local law enforcement amount to little more than whistling in the wind.

State and local governments do not have the constitutional powers nor the resources to do what is necessary to reduce significantly importation of drugs. New York cannot close the Mexican border or cut off aid to Colombia. It is as though the federal government were to tell the citizens of Vicksburg, Mississippi, who cannot constitutionally interfere with the course of the Mississippi River, that the Army Corps of Engineers will not build levees to contain the river. Instead, it is up to the citizens to mop up the river when it floods its bank. We in New York are desperately mopping away at a sea of narcotics while the daily tides flood the city with more drugs.

The federal agencies primarily responsible for interdicting narcotic trafficking are Customs and the Drug Enforcement Agency. Customs is particularly important for New York since the drugs are flowing in via our airports and sea terminals. The key figures in customs interdictions are the customs inspectors. In 1986 and 1987, federal budget cuts will result nationwide in reducing the force of customs inspectors by over 580 jobs. When the Reagan Administration took over in 1980, it made sharp reductions in DEA's staff.

In fact, the then Chief of DEA was fired when he refused to go along with the cuts. Although the administration has added to DEA's budget modest amounts since then, DEA has never recovered. Nationwide today, there are only 2400 DEA agents -- less than there were in 1974, although there has been an immense increase in drug trafficking.

Many of the drug sellers in New York City are illegal aliens. Washington Heights, a once stable neighborhood, is fast deteriorating as violent narcotics gangs, made up of mostly illegal aliens who sell cocaine, have taken over the neighborhood. In Washington Square Park, youngsters play cheek and jowl with marijuana sellers, most of whom are illegal aliens.

When the New York City police arrest aliens, they notify the United State Immigration and Naturalization Service (INS), which is empowered to detain and deport aliens convicted of narcotic offenses, as well as aliens in this country illegally. Only the federal government has deportation powers. Yet, according to a recent study by the United States General Accounting Office, the New York District Office of INS rarely invokes its power to deport criminal aliens. Despite an official mandate to identify quickly, establish deportability and deport aliens apprehended by local police, prompt and successful action is rare. In a fifteen month period ending September 30, 1985, the New York City police arrested over 23,000 aliens on criminal charges. Yet, in the same fiscal year, INS deported only 304 criminal aliens. GAO also found that the vast majority of aliens referred for deportation are free pending resolution of their cases by INS and continue their criminal activities. Seventy-seven percent are re-arrested at least once; 45% more than once, 11% five or more times.

Since the resources of the federal government are far greater than those available to the state and local governments, the federal government must share these resources and make additional funds available to localities to increase local enforcement of state laws prohibiting the production and sale of controlled substances. At the same time, additional resources from the federal government are needed to increase the ability of localities to provide drug abuse prevention, treatment, and rehabilitation programs. In 1984 and again in 1985 a Bill - the State and Local Narcotics Control Assistance Act of 1984 - was introduced in the House of Representatives to accomplish these ends and to provide vital resources to state and local governments in their fight against narcotics. I endorse this essential legislation and encourage its passage.

Instead of a new determination to fight drugs, this Administration is responsible for cutting by over 40% since 1980 federal support for drug rehabilitation and prevention programs. The Department of Education today devotes only a fraction (some three million dollars) of its 18 billion dollar budget to drug education programs. Moreover, as long as the supply is abundant, poor people, weak people, desperate people, young people will be tempted to abuse cocaine and it does not take many puffs on the crack pipe for the user to become addicted. Education without aggressive interdiction will be as futile as the present policy.

While the primary responsibility in addressing our growing drug epidemic rests squarely on the shoulders of the federal government, local prosecutors and the courts have a major responsibility and role to play as well. The public has grown tired of what it views as turnstile justice and treatment of drug dealers. There has been much criticism recently of the failure of state court judges to sentence convicted drug dealers adequately. This is certainly true in the Criminal Courts of the City of New York where misdemeanor drug offenders are prosecuted. There has been a chronic shortage of judges in the Criminal Court. Largely as a result of court congestion, judges engage in sentence bargaining which results in the imposition of no or minimal jail sentences for even those defendants with long records for drug sale.

This has a disastrous impact on law enforcement. About four-fifths of the defendants arrested in Manhattan on drug charges are prosecuted in the Criminal Court. Although the crimes are misdemeanors, many of these drug offenders are sellers, who on the occasion of this particular arrest, were only caught in possession of small amounts of drugs. Most crack arrests are for misdemeanors because possession of even large numbers of crack vials amounts to possession of only misdemeanor weight narcotics. This occurs because crack is highly purified cocaine. Because Criminal Court sentences are so light, most police arrests result in prompt return of defendants to the street. This is enormously frustrating for police, prosecutors and the public.

Police and prosecutors are generating more cases than ever before; but once the cases get into court, there is a logjam because there are not enough judges to handle the cases. The solution is clearly more judges for the Criminal Court. Unfortunately, once again the New York State legislature has failed to enact the enabling legislation to create additional judgeships. Our society must put aside partisan politics and give law enforcement the necessary tools to fight this war.

The picture in Supreme Court, where indictments are prosecuted, is very diffferent from the Criminal Court. There, 92% of drug defendants are convicted and 67% receive prison or jail sentences. The median prison sentence of more than a year is 2 to 4 years. In fact, the results of felony drug prosecutions in state Supreme Court are actually somewhat better than the results achieved in federal court on similar prosecutions.

Just as the federal and local governments have essential and vital roles to play, the efforts of our citizens and business community are equally critical. In a speech which I recently delivered on July 8th to the Citizens Crime Commission, which is made up of concerned members of the business community, I urged the business community to devote its savvy and resources to warn the public of the dangers of crack. Specifically, I recommended that the media be used to reach and educate the greatest number of people, that the trains and subways be plastered with anti-crack billboards and that the airwaves of television and radio be filled with anti-crack messages.

Within a week, I received a letter from the Association for a Better New York responding to my appeal that the business community mobilize to warn the public about the dangers of crack. Attached to my statement is that letter and the posters created as a public service to get the message out to the public. With the help of the Association for a Better New York, the New York City Foundation, the Manhattan Borough President's Office and Community Youth Boards, 1500 posters will be distributed systemwide in the subway stations starting in August. At the same time the business community, in conjunction with the School Program to Educate and Control Drug Abuse (a program of the Board of Education), and the Police Department, will produce an Anti-drug Abuse "Music Video", which will be financed by the private sector. These quick responses from the private sector are heartening and should encourage our government officials to redouble their own efforts.

As I have said before, a major national and coordinated effort is needed, on the order of the Manhattan Project -- an effort that combines education and treatment with street enforcement and the effective interdiction of drugs. All of us must assume our proper responsibilities, without finger pointing or bickering.

The New York state legislature must create a substantial number of new judgeships for the Criminal Court to unblock the logjam which is resulting in absurdly low sentences for repeat drug dealers. The federal government must drop its cosmetic solutions, re-order its priorities and make a massive commitment of resources and energy to stem the flood of drugs coming into this country; to educate our young people and provide treatment facilities for those already afflicted. The constitution says that the federal government "shall insure domestic tranquility" as well as "provide for the common defence". Washington must know that narcotics poses as great a threat to our domestic tranquility as this nation's enemies abroad. The business community should continue to organize a vast public relations campaign to educate the public on the dangers of crack. Schools, families and religious organizations must teach our youth about these dangers and provide alternatives to drug abuse. When we make all of these efforts, then we have a chance to bring the raging narcotics problem under control.

**ABNY** | ASSOCIATION FOR A BETTER NEW YORK

355 LEXINGTON AVENUE
NEW YORK CITY, NY 10017
(212) 370-5800

LEWIS RUDIN
Chairman

July 15, 1986

Hon. Robert M. Morgenthau
District Attorney - New York County
One Hogan Place
New York, NY 10013

Dear Bob:

In answer to your appeal at the Citizens Crime Commission meeting last week, I am happy to report that the business community is mobilizing to warn the public about the dangers of "crack."

Enclosed are four posters created as a public service by Newsday. I think you will agree that they get the message across in the strongest possible terms.

With the help of ABNY and the New York City Police Foundation, these posters are now being distributed to the Community Affairs and Crime Prevention officers in the police precincts in all five boroughs. In addition, through the good offices of Borough President David Dinkins, the posters will go out citywide to all the Community Youth Boards. We will also have posters in 70 public schools which are open for summer sessions.

Our aim is to reach as many young people as possible as soon as possible. To bridge the gap between now and the start of school, ABNY and Newsday will put up 1500 posters systemwide in the subway stations, starting in August.

Finally, when the school year starts in September, the business community hopes to continue working with SPECDA (School Program to Educate and Control Drug Abuse), a joint program of the Board of Education and the Police Department. One of SPECDA's main educational tools next year will be a 3-minute, anti-drug "music video" which has been produced with the help of the Police Foundation and financed by Citibank.

New York's business community has always stood ready to help in a crisis. Please let us know what else we can do.

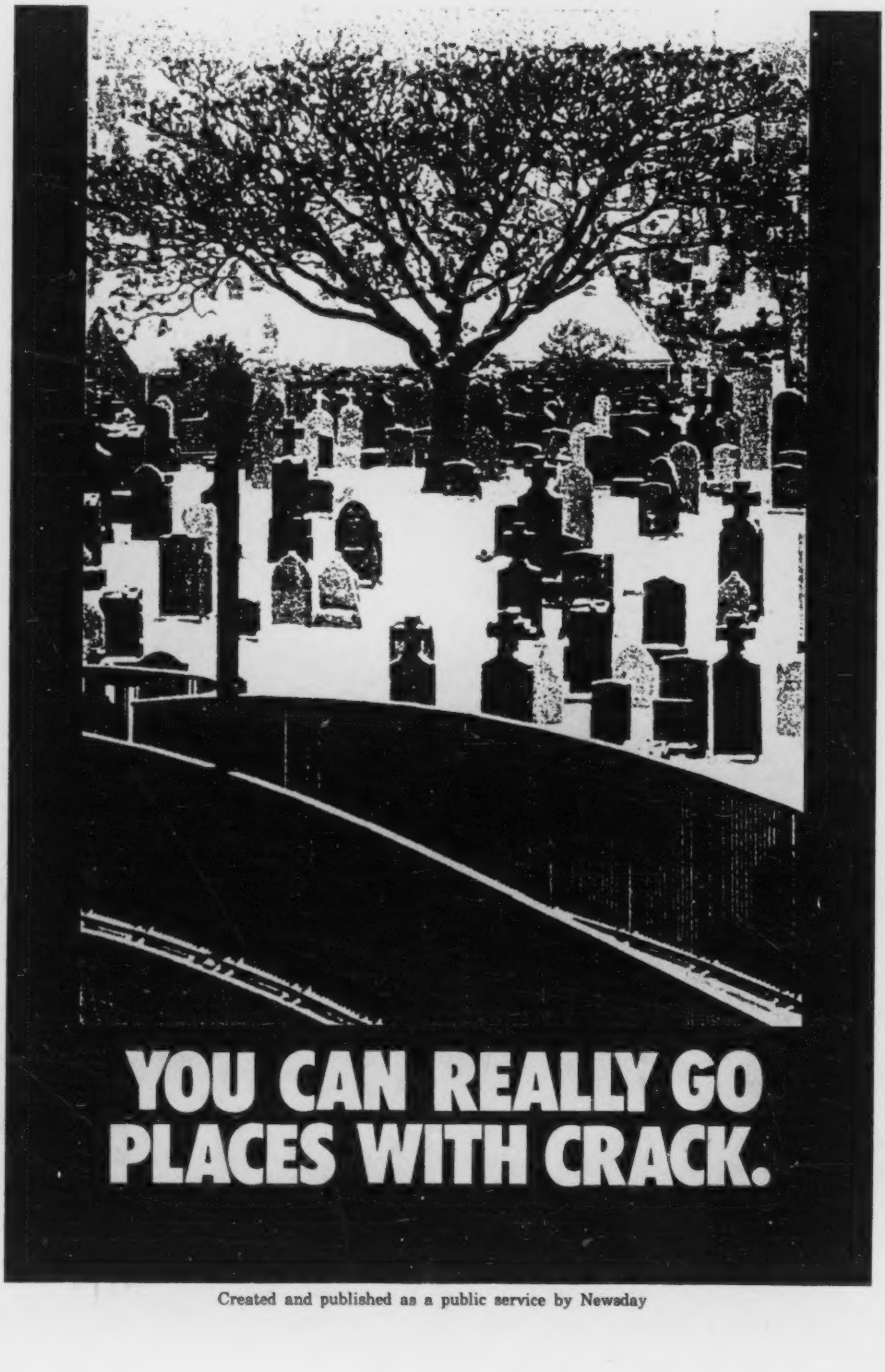
Yours for a Better New York,

Lew

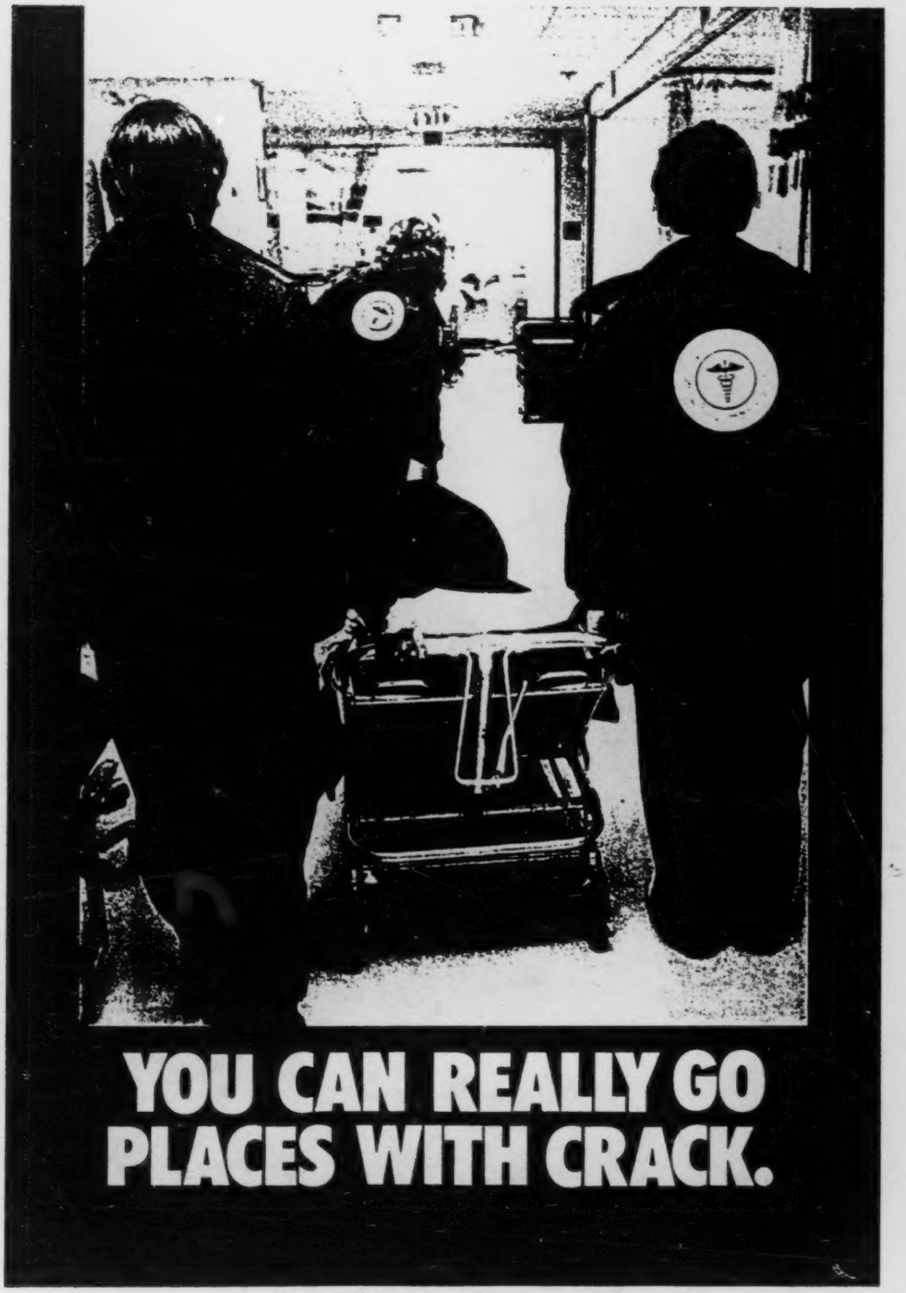
Lewis Rudin
Chairman

LR:jt
encl.

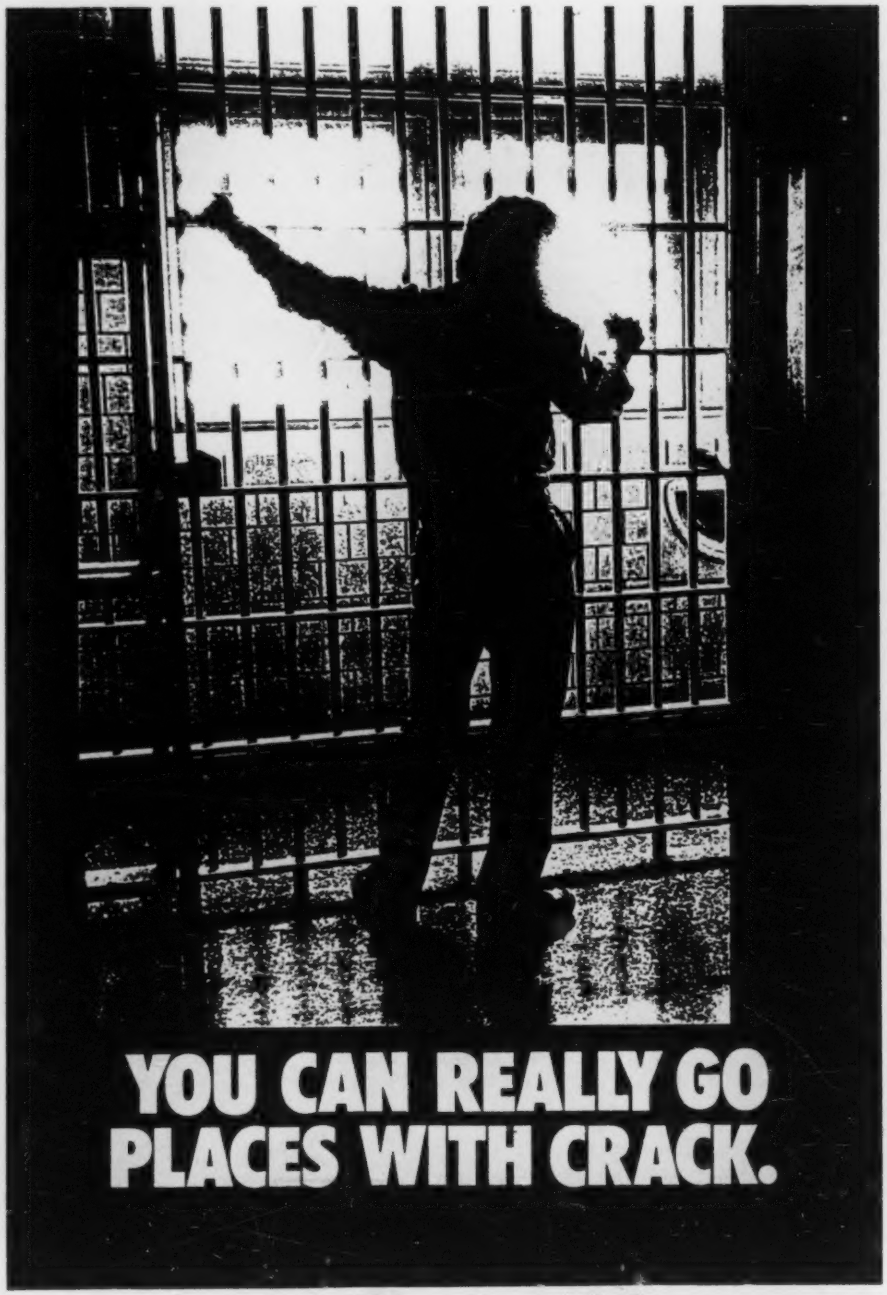
cc: Ms. Pamela Delaney
Mr. Robert Johnson
Hon. Charles Rangel
Dr. Thomas Reppetto
Mr. Jack Squire


YOU CAN REALLY GO
PLACES WITH CRACK.

Created and published as a public service by Newsday


YOU CAN REALLY GO PLACES WITH CRACK.

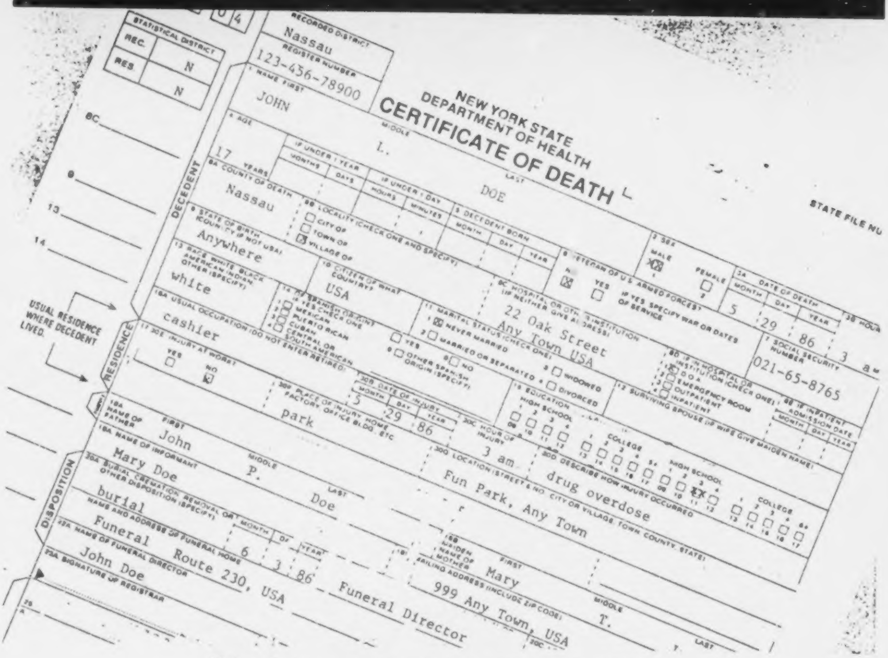
Created and published as a public service by Newsday



YOU CAN REALLY GO PLACES WITH CRACK.

Created and published as a public service by Newsday

# WHEN YOU GRADUATE FROM POT TO CRACK, YOU MIGHT GET A CERTIFICATE.



NEW YORK STATE
DEPARTMENT OF HEALTH
CERTIFICATE OF DEATH

STATE FILE NU

STATISTICAL DISTRICT
REC. N
RES. N

RECORDED DISTRICT Nassau
REGISTER NUMBER 123-456-78900

DECEDENT

1 NAME FIRST JOHN
MIDDLE L.
LAST DOE

2 SEX MALE ☒ FEMALE ☐

3A DATE OF DEATH MONTH 5 DAY 29 YEAR 86

3B HOUR 3 am

4 AGE 17 YEARS

IF UNDER 1 YEAR MONTHS DAYS

IF UNDER 1 DAY HOURS MINUTES

5 DECEDENT BORN MONTH DAY YEAR

6 VETERAN OF U.S. ARMED FORCES? NO ☒ YES ☐ IF YES SPECIFY WAR OR DATES OF SERVICE

7 SOCIAL SECURITY NUMBER 021-65-8765

8A COUNTY OF DEATH Nassau

8B LOCALITY (CHECK ONE AND SPECIFY) ☐ CITY OF ☐ TOWN OF ☒ VILLAGE OF

8C HOSPITAL OR OTHER INSTITUTION (IF NEITHER GIVE ADDRESS) 22 Oak Street Any Town USA

8D IF IN HOSPITAL OR INSTITUTION (CHECK ONE) 1 ☒ D O A 2 ☐ EMERGENCY ROOM 3 ☐ OUTPATIENT 4 ☐ INPATIENT

8E IF INPATIENT ADMISSION DATE MONTH DAY YEAR

9 STATE OF BIRTH (COUNTRY IF NOT USA) Anywhere

10 CITIZEN OF WHAT COUNTRY? USA

11 MARITAL STATUS (CHECK ONE) 1 ☒ NEVER MARRIED 2 ☐ MARRIED OR SEPARATED 3 ☐ WIDOWED 4 ☐ DIVORCED

12 SURVIVING SPOUSE (IF WIFE GIVE MAIDEN NAME)

13 RACE WHITE BLACK AMERICAN INDIAN OTHER (SPECIFY) white

14 OF SPANISH ORIGIN? IF YES CHECK ONE 1 ☐ MEXICAN 2 ☐ PUERTO RICAN 3 ☐ CUBAN 4 ☐ CENTRAL OR SOUTH AMERICAN ☐ YES 5 ☐ OTHER SPANISH ORIGIN (SPECIFY) 6 ☐ NO

15 EDUCATION HIGH SCHOOL ☐ ☐ ☐ ☐ COLLEGE ☐ ☐ ☐ ☐ ☐

16A USUAL OCCUPATION (DO NOT ENTER RETIRED) cashier

RESIDENCE

USUAL RESIDENCE WHERE DECEDENT LIVED.

17 20E INJURY AT WORK? YES ☐ NO ☒

20B DATE OF INJURY MONTH 5 DAY 29 YEAR 86

20C HOUR OF INJURY 3 am

20D PLACE OF INJURY HOME FACTORY OFFICE BLDG. ETC park

20D DESCRIBE HOW INJURY OCCURRED drug overdose

20D LOCATION (STREET & NO. CITY OR VILLAGE TOWN COUNTY STATE) Fun Park, Any Town

HIGH SCHOOL ☐ ☐ ☒ ☐ COLLEGE ☐ ☐ ☐ ☐ ☐

18A NAME OF FATHER FIRST John MIDDLE P. LAST Doe

18B MAIDEN NAME OF MOTHER FIRST Mary MIDDLE T. LAST

19A NAME OF INFORMANT Mary Doe

19B MAILING ADDRESS (INCLUDE ZIP CODE) 999 Any Town, USA

DISPOSITION

20A BURIAL CREMATION REMOVAL OR OTHER DISPOSITION (SPECIFY) burial

DATE MONTH 6 DAY 3 YEAR 86

NAME AND ADDRESS OF FUNERAL HOME Funeral Route 230, USA

22A NAME OF FUNERAL DIRECTOR John Doe Funeral Director

23A SIGNATURE OF REGISTRAR

Using drugs — even pot — is wrong. And harmful.

Using crack is just plain crazy.

Crack is a dangerous and potentially deadly form of cocaine that can lead to addiction in a remarkably short time.

If you make one important decision in your life, make this decision:

Don't use crack.

**DON'T CRACK UP YOUR LIFE.**

Created and published as a public service by Newsday

# STATEMENT AND TESTIMONY
# OF
# STERLING JOHNSON, JR.
# BEFORE THE
# U.S. HOUSE OF REPRESENTATIVES
# SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

STERLING JOHNSON, JR.
Special Narcotics Prosecutor
City of New York
80 Centre Street
New York, New York 10013

July 18, 1986
12:45 p.m.

I APPRECIATE THE OPPORTUNITY OF SPEAKING TODAY BEFORE THIS COMMITTEE, AND I THANK YOU FOR YOUR INVITATION.

MY LAST TESTIMONY BEFORE THIS COMMITTEE WAS IN NOVEMBER OF LAST YEAR, AND I USED THAT OCCASION TO EMPHASIZE THE GROWING THREAT OF THE ILLEGAL DRUG TRADE IN THIS COUNTRY. I ALSO DESCRIBED TO YOU A DISTURBING RATE OF NARCOTICS GROWTH. TODAY, THE ANNUAL ILLEGAL DRUG TRADE IS AN ESTIMATED $150 BILLION, AND I MUST REPORT THAT NARCOTICS ACTIVITY IS CONTINUING ON A VERY DANGEROUS COURSE. HEROIN ACTIVITY REMAINS AT A STEADY BUT SEEMINGLY INTRACTABLE LEVEL, AND COCAINE TRAFFICKING AND USE ARE SKYROCKETING. ADDED TO THIS PROBLEM IS THE DANGER POSED BY CRACK, A CRYSTALLIZED AND PURIFIED COCAINE DERIVATIVE. CRACK IS NOW THE MOST SERIOUS THREAT TO THE QUALITY OF LIFE OF EVERY NEW YORKER. AT ALL COSTS, IT MUST BE STOPPED.

I THEREFORE WISH TO USE THIS TIME TO SPEAK OF THE PLAGUE OF CRACK. I DO NOT MINIMIZE THE THREAT OF OTHER NARCOTICS --- THEY CONTINUE TO RECEIVE THE FULL EXTENT OF OUR LAW ENFORCEMENT EFFORT. BUT CRACK AND ITS IMPACT ON THE COMMUNITIES OF THIS

NATION COMPRISE AN ISSUE WE MUST ADDRESS IMMEDIATELY. WE CANNOT DELAY --- THE TOLL OF CRACK IN TERMS OF THE DEATHS OF USERS, THE MURDER AND VIOLENT ASSAULT OF CITIZENS BY CRACK ADDICTS, RAPIDLY RISING NUMBERS OF ROBBERIES ATTRIBUTABLE TO CRACK, IS ALL TOO STAGGERING TO IGNORE. AS OUR INTELLIGENCE ON THE CRACK SITUATION HAS IMPROVED, WE HAVE INCREASINGLY FOUND CRACK TO CARRY WITH IT A VIRTUALLY UNPARALLELED SOCIETAL HARM.

DATA FROM MY OFFICE CONFIRMS THE FAST ACCELERATION OF CRACK ONTO THE PUBLIC SCENE. CRACK IS A SERIOUS PROBLEM IN SUCH CITIES AS LOS ANGELES, SEATTLE, PORTLAND, DETROIT, HOUSTON AND ATLANTA. CRACK CASES NOW COMPRISE OVER FORTY PERCENT OF FELONY NARCOTICS INDICTMENTS IN NEW YORK CITY. IN THE OFFICE OF THE MANHATTAN DISTRICT ATTORNEY, MISDEMEANOR CRACK CASES HAVE SEEN A SIMILAR INCREASE.

THE IMPACT OF THIS VICIOUS DRUG IS NOW WELL ESTABLISHED. FOR THE USER, CRACK HAS AN ALMOST SINISTER ADDICTIVE POWER. ITS USE IS TO RISK DEATH, AS HAS BEEN SHOWN IN INSTANCES THROUGHOUT THE COUNTRY. ONE ONLY HAS TO READ A NEWSPAPER OR VIEW A

TELEVISION NEWS BROADCAST TO LEARN OF ANOTHER DEATH FROM CRACK. FOR AVERAGE CITIZENS, CRACK MEANS THEIR VICTIMIZATION IN THE FORM OF HOMICIDES, ASSAULTS AND ROBBERIES. THE NUMBERS INCREASE EACH DAY AS CRACK ADDICTS CONTINUE TO WREAK HAVOC ON THE PUBLIC'S SAFETY AND UPON THEMSELVES.

AS I TOLD YOU LAST NOVEMBER, RECENT STUDIES DEALING WITH CRIMINAL BEHAVIOR HAVE CONFIRMED THE FACT THAT DRUGS BREED VIOLENCE. A 1982 RAND CORPORATION STUDY, FOR EXAMPLE, REVEALED THAT HEROIN-ADDICTED CRIMINALS COMMIT MORE CRIMES AT A HIGHER RATE THAN OTHER CRIMINALS. A 1984 STUDY CONDUCTED BY DR. MARTIN WISH, IN CONJUNCTION WITH THE NATIONAL INSTITUTE OF JUSTICE, EXAMINED OVER 6,400 MEN ARRESTED FOR FELONY CHARGES IN MANHATTAN. THE RESULTS REVEALED THAT A MAJORITY OF THESE SERIOUS OFFENDERS HAD USED DRUGS WITHIN 24 TO 48 HOURS OF THEIR ARREST. THE EMERGENCE OF CRACK WILL ONLY COMPOUND THIS DISTURBING PHENOMENON. DOUBTLESSLY, OVERALL CRIME RATES WILL BE AFFECTED INCREASINGLY BY THE SPREAD OF CRACK.

TODAY, WE MUST AFFIRM THAT CRACK POSES A SERIOUS THREAT TO OUR NATION, AS DO COCAINE AND HEROIN. IN THAT CONTEXT, IT WILL BE VITAL TO HAVE THE TOTAL COMMITMENT OF THE FEDERAL GOVERNMENT IN A COMPREHENSIVE PROGRAM AGAINST DRUGS.

I COMMEND THE REAGAN ADMINISTRATION FOR ITS FORTHRIGHT ASSISTANCE TO THE BOLIVIAN GOVERNMENT AGAINST BOLIVIAN COKE PRODUCERS. I AM HOPEFUL THAT THE ADMINISTRATION'S ACTION IS REFLECTIVE OF ITS WILLINGNESS TO JOIN THE WAR AGAINST DRUGS. WE NEED FROM THE FEDERAL GOVERNMENT THE RESOURCES AND STANDING TO COMMENCE WIDER NARCOTICS INVESTIGATIONS AND TO PROSECUTE AND IMPRISON ALL THOSE INVOLVED IN DRUG TRAFFICKING. SUCH A STEP BY THE ADMINISTRATION WILL SERVE AS AN AFFIRMATIVE RESPONSE TO A PROBLEM THAT IS THE OVERWHELMING CONCERN OF MOST AMERICANS.

THE FEDERAL GOVERNMENT MUST ALSO PROTECT OUR BORDERS ADEQUATELY AGAINST IMPORTS OF NARCOTICS. NO PROGRAM OR EFFORT, REGARDLESS OF HOW STRONG IT IS, CAN SUCCEED IN THE WAR AGAINST NARCOTICS UNLESS DRUGS ARE INTERDICTED BEFORE THEY CROSS OUR

BORDERS. BORDER PATROLS AND CUSTOMS SCREENS MUST BOTH BE IMMEDIATELY AND DRAMATICALLY STEPPED UP.

THIS COMMITTEE, AS WELL AS OTHER BODIES OF DELIBERATION, SEEKS TO ISOLATE PROBLEMS AND DEFINE SOLUTIONS IN AREAS OF THE PUBLIC INTEREST. YOU WILL DO NO GREATER SERVICE FOR THE AMERICAN PUBLIC THAN TO RECOGNIZE THE MENACE THAT IS CRACK AND TO DEVOTE YOUR FULL SUPPORT TO MY EFFORTS, AND THE EFFORTS OF OTHERS, AGAINST THIS DANGER. THESE MEASURES WILL BE NECESSARY TO OVERCOME CRACK AND THE OTHER DRUGS POSITIONED TO UNDERMINE OUR WAY OF LIFE.

PRESENTLY, WE ARE FIGHTING A HOLDING ACTION IN THE WAR AGAINST DRUGS. WE MAKE INROADS WHENEVER WE CAN, AND WE FREE OUR NEIGHBORHOODS FROM THE EVILS AND VIOLENCE OF DRUGS WHEREVER WE CAN. BUT THE RAPID EMERGENCE OF CRACK HAS ESCALATED THE NATION'S PROBLEM, AND THUS THE DIFFICULTIES OF OUR FIGHT. TODAY, I HAVE OUTLINED FOR YOU MEASURES TO SUCCESSFULLY COMBAT CRACK, COCAINE, HEROIN AND OTHER NARCOTICS. ONLY WHEN THESE MEASURES ARE TAKEN CAN WE BEGIN TO THINK ABOUT WINNING THIS WAR.

# STATEMENT OF SUPERINTENDENT DONALD O. CHESWORTH
# NEW YORK STATE POLICE

PRESENTED JULY 18, 1986 TO THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

THE NEW YORK STATE POLICE IS COMMITTED TO AN ALL-OUT ATTACK ON NARCOTICS TRAFFICKING. TOGETHER WITH THE FEDERAL AND LOCAL AGENCIES, WE ARE CONSTANTLY MONITORING AND EVALUATING THE NARCOTICS TRAFFIC OCCURING WITHIN NEW YORK STATE. INTELLIGENCE INFORMATION HAS INDICATED THAT THE USE OF NARCOTICS PARTICULARLY COCAINE AND "CRACK" (CRYSTALIZED COCAINE) HAS REACHED EPIDEMIC PROPORTIONS IN THE METROPOLITAN NEW YORK CITY AREA AND HAS SPREAD THROUGHOUT THE UPSTATE AREA. A CHECK OF THE FOUR NEW YORK STATE POLICE LABORATORIES IN ALBANY, BINGHAMTON, OLEAN, AND NEWBURGH HAVE RECENTLY RECEIVED MODERATE AMOUNTS OF "CRACK" AS A RESULT OF SEIZURES AND ARRESTS. ADDITIONALLY, DIVISION UNDERCOVER NARCOTICS ENFORCEMENT PERSONNEL HAVE PURCHASED SIGNIFICANT QUANTITIES OF "CRACK", PARTICULARLY IN NEW YORK CITY. AS A SUPERVISOR OF THE NEW YORK STATE POLICE LABORATORY IN ALBANY STATED, "THIS IS THE LULL BEFORE THE STORM" WHEN REFERRING TO THE INCREASING AMOUNTS OF "CRACK" BEING SUBMITTED TO THE LABORATORY FOR ANALYSIS. THIS "CRACK" PROBLEM MUST BE ALLEVIATED BEFORE POSSIBLE CATASTROPHIC SOCIAL CONSEQUENCES RESULT.

RECENTLY, THE DIVISION'S NARCOTICS ENFORCEMENT PROGRAM HAS BEEN REORGANIZED. THIS NEW STRUCTURE CALLS FOR A STAFF

INSPECTOR AT DIVISION HEADQUARTERS WHO SUPERVISES AND COORDINATES NARCOTIC AND ORGANIZED CRIME INVESTIGATIONS. THE BUREAU OF CRIMINAL INVESTIGATION NARCOTICS ENFORCEMENT PROGRAM IS THEN BROKEN DOWN INTO THREE GENERAL ENFORCEMENT PROGRAMS:

1. NINE (9) TROOP AREAS, REPRESENTING SPECIFIC GEOGRAPHICAL LOCATIONS THROUGHOUT NEW YORK STATE, CONTINUE TO OPERATE A NARCOTICS ENFORCEMENT UNIT. THESE UNITS FOCUS ON LOCAL NARCOTICS PROBLEMS BY CONDUCTING INVESTIGATIONS INTO THE ILLEGAL DISTRIBUTION AND POSSESSION OF NARCOTICS. ADDITIONALLY, THESE UNITS COORDINATE THEIR INVESTIGATIONS WITH OTHER UNITS THROUGHOUT THE STATE TO INSURE A MAXIMUM ENFORCEMENT EFFORT.

2. THE DIVISION HAS GREATLY INCREASED ITS INVESTIGATIVE PRESENCE IN NEW YORK CITY FOR THE PURPOSES OF NARCOTICS INVESTIGATIONS. THE DIVISION IS PRIMARILY INVOLVED IN THE DRUG ENFORCEMENT TASK FORCE (DETF). THIS UNIT IS COMPRISED OF DIVISION MEMBERS, NEW YORK CITY POLICE AND DRUG ENFORCEMENT ADMINISTRATION (DEA) AGENTS. THE THREE AGENCIES COMBINE THEIR PERSONNEL INTO VARIOUS GROUPS WHO WORK SELECTED TARGETS IN THE NEW YORK CITY AREA. THE DIVISION HAS FORMED A SECOND INVESTIGATIVE PRESENCE/UNIT VIA THE OFFICE OF THE SPECIAL PROSECUTOR

FOR NARCOTICS IN NEW YORK CITY. WE BELIEVE THAT THE ASSIGNMENT OF THESE INVESTIGATORS WILL REPRESENT AN INCREASED CAPABILITY FOR THE OFFICE OF THE SPECIAL PROSECUTOR. THEY WILL PROVIDE INVESTIGATIVE ASSISTANCE TO NARCOTICS INVESTIGATIONS BEING CONDUCTED IN NEW YORK CITY AND WILL ALSO PROVIDE A READY CONDUIT TO STATE POLICE CAPABILITIES ON A STATEWIDE BASIS. OUR EXPERIENCE HAS SHOWN - TIME AND TIME AGAIN - THAT THE NARCOTICS TRAFFICKERS IN NEW YORK CITY WILL OFTEN SUPPLY THEIR COUNTERPARTS UPSTATE WITH ILLEGAL DRUGS.

3. THE SPECIAL INVESTIGATIONS UNIT (SIU) REPRESENTS THE THIRD SEGMENT OF THE DIVISION'S NARCOTICS ENFORCEMENT PROGRAM. THIS UNIT IS A STATEWIDE INVESTIGATIVE UNIT THAT HAS PRIMARY RESPONSIBILITIES FOR ORGANIZED CRIME INVESTIGATIONS. IT WORKS CLOSELY WITH THE STATEWIDE ORGANIZED CRIME TASK FORCE (OCTF), AND ALSO WITH FEDERAL AND LOCAL PROSECUTORS. THE EMERGENCE OF NON-TRADITIONAL ORGANIZED CRIME ELEMENTS, SUCH AS THE COLOMBIAN COCAINE CARTELS AND OUTLAW MOTORCYCLE GANGS, HAS RESULTED IN NUMEROUS NARCOTICS INVESTIGATIONS BY THIS UNIT. THERE IS A DEMONSTRATED LINK BETWEEN NARCOTICS AND ORGANIZED CRIME ACTIVITIES, BE IT TRADITIONAL OR NON-TRADITIONAL ORGANIZED CRIME. THE SIU HAS APPROXIMATELY 80 INVESTIGATIVE PERSONNEL AND OPERATES FROM NINE OFFICES IN THE METROPOLITAN AREAS OF THE STATE - FROM BUFFALO TO LONG ISLAND.

DURING THE PAST TWO YEARS THE DIVISION IMPLEMENTED A PROGRAM TO ADD 200 ADDITIONAL POSITIONS TO THE BUREAU OF CRIMINAL INVESTIGATION FOR THE SPECIFIC PURPOSE OF NARCOTICS ENFORCEMENT. ONE-HALF OF THESE POSITIONS ARE ALLOCATED FOR THE METROPOLITAN NEW YORK CITY AREA. THE ADDITION OF THESE POSITIONS TO THE PREVIOUSLY ALLOCATED STRENGTH OF THE VARIOUS TROOP AND DETAIL NARCOTICS UNITS WILL GIVE THE DIVISION A COMBINED STRENGTH OF OVER 300 BCI POSITIONS ALLOCATED TO NARCOTICS/-ORGANIZED CRIME. THIS IS ONE OF THE LARGEST PROGRAMS OF ITS KIND FOR AMERICAN POLICE AGENCIES. ADDITIONAL SUPPORT ASSISTANCE TO ALL NARCOTICS INVESTIGATIONS IS PROVIDED BY THE CRIME ANALYSIS UNIT OF DIVISION HEADQUARTERS IN ALBANY, NEW YORK. THIS UNIT PROVIDES FOR A COMPREHENSIVE REVIEW OF ALL INVESTIGATIONS AT DIVISION HEADQUARTERS BY A COMPETENT ANALYTICAL STAFF.

ADDITIONALLY, THE DIVISION HAS JOINED FORCES WITH THE DEA, FBI, THE NEW YORK STATE SHERIFF'S ASSOCIATION AND THE NEW YORK STATE CHIEFS OF POLICE IN DEVELOPING AN INDEX SYSTEM ON NARCOTICS TRAFFICKERS WHO ARE CURRENTLY UNDER INVESTIGATION BY THE REPRESENTATIVE AGENCIES IN THE UPSTATE AREA. THIS PROGRAM IS KNOWN AS "SNIP" - STATEWIDE NARCOTICS INDEXING PROGRAM. A SIMILAR PROGRAM IS ALREADY IN EFFECT IN THE NEW YORK CITY AREA WHICH IS CALLED THE DRUG ENFORCEMENT COORDINATING SYSTEM - "DECS". THESE PROGRAMS WILL PROVIDE A MEANS TO ALERT THE VARIOUS

LAW ENFORCEMENT AGENCIES IN THE STATE WHENEVER THEY ARE WORKING THE SAME TARGET IN ORDER TO PREVENT DUPLICATION OF INVESTIGATIVE EFFORT. THESE PROGRAMS WILL PROVIDE A MEANS WHEREBY CRIMINAL INFORMATION PERTAINING TO NARCOTICS TRAFFICKING WILL BE MORE EFFICIENTLY TRANSMITTED BETWEEN AGENCIES.

SPECIALIZED TRAINING IS BEING GIVEN TO MEMBERS OF THE DIVISION'S UNIFORM FORCE. THIS TRAINING FOCUSES ON NARCOTICS ENFORCEMENT TO BETTER EQUIP UNIFORM MEMBERS WITH IDENTIFYING SUSPECTED NARCOTICS TRAFFICKERS WHO MUST UTILIZE THE STATE'S HIGHWAY SYSTEM FOR THE PURPOSES OF TRAVEL. THE INCREASED EXPERTISE OF THE UNIFORM FORCE HAS GREATLY ENHANCED THE DIVISION'S OVERALL NARCOTICS ENFORCEMENT PROGRAM. NUMEROUS LEADS HAVE BEEN DEVELOPED BY THE UNIFORM FORCE WHICH HAVE RESULTED IN SIGNIFICANT NARCOTICS SEIZURES AND ARRESTS.

THE REORGANIZATION OF THE COMMAND STRUCTURE FOR NARCOTICS ENFORCEMENT EFFORTS, THE INCREASE IN PERSONNEL ASSIGNED THERETO AND THE INCREASED TRAINING BEING PROVIDED FOR PERSONNEL, ARE ALL PART OF THE DIVISION'S COMMITMENT TO MAKE THE NEW YORK STATE POLICE A MAJOR ENFORCEMENT FACTOR IN NARCOTICS INVESTIGATIONS ACROSS THE STATE. IN PURSUING THIS INCREASED INVOLVEMENT IN NARCOTICS INTERDICTION THE DIVISION OF STATE POLICE HAS RECEIVED COMPLETE SUPPORT FROM STATE GOVERNMENTAL AUTHORITIES, INCLUDING GOVERNOR MARIO M. CUOMO AND CRIMINAL JUSTICE DIRECTOR LAWRENCE T. KURLANDER.

THE DIVISION'S PROGRAM STRESSES THE OBJECTIVE OF STRIKING THE UPPER LEVEL NARCOTICS TRAFFICKERS. THIS OBJECTIVE

HAS BEEN REALIZED IN THE PAST YEAR WITH NUMEROUS ARRESTS AND LARGE SEIZURES. FOR EXAMPLE, OVER THE PAST FIVE MONTHS, AS THE REORGANIZED NARCOTICS ENFORCEMENT PROGRAM BEGAN TO MATURE, MORE THAN 560 POUNDS OF COCAINE, EIGHT POUNDS OF HEROIN, MORE THAN $1,800,000 IN CASH, SCORES OF FIREARMS AND SCORES OF DEFENDANTS HAVE BEEN SEIZED AND ARRESTED. ADDITIONALLY, SEVERAL COLOMBIAN CONTROLLED COCAINE PROCESSING LABORATORIES IN THE RURAL UPSTATE AREAS HAVE BEEN ELIMINATED THROUGH A SPIRIT OF JOINT COOPERATION BETWEEN THE DEA, FBI, LOCAL POLICE AGENCIES AND DIVISION MEMBERS.

I BELIEVE WE ARE MAKING SIGNIFICANT PROGRESS IN OUR STATE EFFORTS. YOU HAVE ASKED ME WHAT ROLE THE FEDERAL GOVERNMENT CAN PLAY IN ASSISTING OUR EFFORTS. I WOULD LIKE TO BRING TO THE ATTENTION OF THIS COMMITTEE A FACTOR THAT WE HAVE NOTICED AS WE HAVE INTENSIFIED OUR NARCOTICS ENFORCEMENT EFFORTS. THE DIVISION OF STATE POLICE HAS PLAYED A LEAD ROLE IN THE EFFORTS TO LOCATE AND DISRUPT MAJOR COCAINE PROCESSING LABORATORIES IN THE STATE OF NEW YORK. WE FIRST DETECTED THE PRESENCE OF THESE LABS IN APRIL OF 1985 WITH THE DISCOVERY OF A HUGE COCAINE PROCESSING LAB IN THE UPSTATE COMMUNITY OF MINDEN, NEW YORK. IN A RURAL FARM AREA, APPROXIMATELY 175 MILES NORTHWEST OF NEW YORK CITY, WE DISCOVERED THE LARGEST COCAINE PROCESSING LABORATORY EVER DISCOVERED IN NORTH AMERICA. WHY WAS IT LOCATED IN UPSTATE NEW YORK?

TO ANSWER THAT QUESTION WE SHOULD LOOK AT WHAT HAS OCCURED IN THE WORLD OF NARCOTICS TRAFFICKING OVER THE PAST FEW YEARS. WHY THE SUDDEN SHIFT TO COCAINE PROCESSING IN THE UNITED STATES? THE ANSWER TO THIS PROBABLY STEMS, IN MANY WAYS, TO A DECISION BY THE FEDERAL GOVERNMENT TO TRACK THE SHIPMENT OF CHEMICAL EXPORTS. IN 1983 THE FEDERAL GOVERNMENT BEGAN "OPERATION CHEMCON" TO TRACK SUCH SHIPMENTS, MAINLY ETHER. AT THE SAME TIME THE COLOMBIAN GOVERNMENT MANDATED A PERMIT TO IMPORT ETHER. SINCE THE PASSING OF THE PERMIT LAW NO COLOMBIAN INDIVIDUAL OR COLOMBIAN BASED COMPANY HAS APPLIED FOR A PERMIT. THE EFFECT OF THIS ACT BY COLOMBIA WAS TO TIGHTEN THE AVAILABILITY OF ETHER AND FORCED THE PRICE FOR A 55 GALLON DRUM UPWARD. PRESENTLY THE COST OF A 55 GALLON DRUM OF ETHER IS $250 TO $400 IN THE U.S.A. AND $7,500 TO $10,000 IN COLOMBIA FOR THE SAME DRUM. THE COST FACTOR BECAME PROHIBITIVE WHEN YOU CONSIDER THE AMOUNTS NEEDED FOR PRODUCTION. (ONE (1) 55 GALLON DRUM YIELDS 12 TO 15 KILOS OF COCAINE). IN CONJUNCTION WITH THE PRICE INCREASE THE DUAL SMUGGLING BECAME A PROBLEM (CHEMICALS FOR PROCESSING INTO COLOMBIA AND COCAINE HCL OUT). THE DRUG TRAFFICKERS REALIZED IT WOULD BE CONSIDERABLY CHEAPER TO PROCESS THE COCAINE CLOSER TO THE DISTRIBUTION POINTS (MAINLY THE U.S.A.) AND THEIR SMUGGLING ROUTES INTO THE U.S.A. WERE ALREADY ESTABLISHED. THUS COCA BASE COULD BE SMUGGLED AND ETHER AND OTHER NECESSARY CHEMICALS WERE PLENTIFUL IN THE U.S.A. THE

RESULT WAS THE ESTABLISHMENT OF DOMESTIC COCAINE PRODUCTION IN THE U.S.A.

SIX (6) OF THE SEVEN (7) LABS DISCOVERED IN 1985 AS A RESULT OF THE MINDEN FIRE WERE DIRECTLY INTERRELATED AND THE SEVENTH (7TH) LAB WAS RELATED TO THE MAIN FORCE BEHIND THE LABS, THE JOSE SANTACRUZ-LONDONO ORGANIZATION; THE MOST VIOLENT OF THE COLOMBIAN CARTEL.

WHY DOES THE DISCOVERY OF COCAINE PROCESSING LABORATORIES CAUSE US SUCH CONCERN? WE DISCOVERED THAT THE COCAINE PROCESSING LABORATORY AT MINDEN HAD ONLY BEEN IN OPERATION FOR ABOUT A MONTH. OUR INVESTIGATION, IN CONJUNCTION WITH FEDERAL AND LOCAL AUTHORITIES, DISCLOSED THAT IT HAD THE CAPABILITY TO PROCESS 2,800 KILOS OF COCAINE! WHEN IN FULL PRODUCTION THE LAB HAD THE CAPABILITY OF PRODUCING 250 KILOS OF PURE COCAINE EVERY THREE DAYS! IT WAS LATER DETERMINED THAT THE LAB HAD ALREADY PRODUCED 1,200 KILOS OF COCAINE! AFTER PROCESSING THIS COCAINE WAS THEN TAKEN TO NEW YORK CITY FOR DISTRIBUTION. I AM SURE, BASED ON OUR PAST INVESTIGATIVE EXPERIENCES, THAT SOME OF THIS PRODUCT EVENTUALLY FOUND ITS WAY TO THE STREETS OF UPSTATE NEW YORK!

THE DISCOVERY OF THE LAB IN MINDEN WAS SUBSEQUENTLY FOLLOWED BY THE DISCOVERY OF OTHER PROCESSING LABORATORIES IN OTHER UPSTATE COMMUNITIES IN 1985. SIMILAR OPERATIONS WERE DISCOVERED IN RURAL AREAS OF THE STATE SUCH AS FLY CREEK AND

CALICOON CENTER AND ON LONG ISLAND IN CENTRAL ISLIP AND BAITING HOLLOW. THE INVESTIGATION DISCLOSED A DEFINITE CONNECTION BETWEEN THE CARTEL(S) INVOLVED WITH THE NEW YORK STATE COCAINE LABS AND SIMILAR OPERATIONS IN NORTH CAROLINA AND VIRGINIA. THE TREND HAS CONTINUED INTO THIS YEAR. EARLIER THIS YEAR THE VERMONT STATE POLICE DISCOVERED A SIMILAR PROCESSING LAB IN POULTNEY, VERMONT - IMMEDIATELY ADJACENT TO THE NEW YORK BORDER. OPERATIONS AT THIS LAB WERE CONNECTED TO NEW YORK. IN MAY OF THIS YEAR OUR TROOPERS UNCOVERED TWO MORE OPERATIONAL LABS IN UPSTATE NEW YORK. A FULLY OPERATING LAB WAS INTERDICTED IN COXSACKIE AND FOLLOW-UP INVESTIGATIONS DISCOVERED A HASTILY DISBANDED LAB IN SOUTH FALLSBURG.

THE APPEARANCE OF THESE LABS TENDS TO COINCIDE WITH THE SUCCESS OF THE FEDERAL GOVERNMENT IN REDUCING THE FLOW OF CHEMICALS SUCH AS ETHER, TO SOUTH AMERICA. THE TRAFFICKERS BEGAN TO MOVE THEIR PROCESSING OPERATIONS TO THE UNITED STATES. I BELIEVE THAT IT IS IMPORTANT TO RECOGNIZE THAT THE PRODUCT THAT IS PROCESSED - THE COCA LEAF USUALLY IN THE FORM OF COCA PASTE - IS NOT GROWN ON THE NORTH AMERICAN CONTINENT. THIS PRODUCT IS BROUGHT ACROSS OUR BORDERS. WE AT THE STATE LEVEL OF THE LAW ENFORCEMENT SECTOR HAVE NO MEANS OF PREVENTING THIS IMPORTATION INTO THE UNITED STATES. WE CAN - AND ARE - DOING ALL WE CAN TO LOCATE THIS CONTRABAND AFTER IT IS BROUGHT INTO THE STATE BUT IT IS PRIMARILY THE RESPONSIBILITY OF THE FEDERAL

GOVERNMENT TO INTERDICT ITS IMPORTATION AT THE BORDER.

I WOULD ALSO LIKE TO POINT OUT TO THE COMMITTEE THAT IN COCAINE PROCESSING LAB AFTER COCAINE PROCESSING LAB CASE, WE RUN INTO A COMMON ENTITY - THE ILLEGAL ALIEN. MOST OF THE PEOPLE WE ARREST AT THESE SITES ARE NOT CITIZENS OF OUR STATE, OR EVEN THE UNITED STATES. THEY ARE ILLEGAL ALIENS - USUALLY FROM COLOMBIA. SINCE THE DISCOVERY OF THE MINDEN LAB WE HAVE HAD INVOLVEMENT WITH SIX PROCESSING LABORATORIES IN OPERATION IN OUR STATE. WE HAVE MADE ARRESTS IN ALL INSTANCES AND IN FIVE OF THE SIX INSTANCES THE ARRESTS INVOLVED ILLEGAL COLOMBIAN ALIENS. THE ARRESTS IN VERMONT INVOLVED ILLEGAL ALIENS. THE LABS UNCOVERED IN NORTH CAROLINA AND VIRIGINIA WHICH WERE CONNECTED TO THE ONES IN NEW YORK ALSO INVOLVED A COLOMBIAN ELEMENT. THE ABILITY OF ILLEGAL ALIENS TO ENTER THIS COUNTRY ON A REGULAR BASIS IS AN ISSUE THAT MUST BE ADDRESSED BY THE FEDERAL GOVERNMENT; IT IS BEYOND THE CAPABILITIES OF STATE AND LOCAL POLICE.

I WOULD STRONGLY RECOMMEND TO THIS COMMITTEE THAT INCREASED FEDERAL RESOURCES BE COMMITTED TO COMBAT THE CAPABILITIES OF THE NARCOTICS CARTELS TO SMUGGLE THEIR PRODUCT INTO OUR COUNTRY AND AT THE SAME TIME DEFY OUR IMMIGRATION LAWS IN SENDING THEIR "WORKERS" ONTO THE STREETS OF NEW YORK.

YOU HAVE ALSO ASKED ME TO ADDRESS THE ISSUE OF WHAT ACHIEVEMENTS HAVE FOLLOWED FROM OUR INCREASED ALLOCATION OF MANPOWER TO THE NEW YORK CITY AREA. THE ASSIGNMENT OF THE ADDITIONAL INVESTIGATORS COMMENCED IN JANUARY OF THIS YEAR WITH

THE ASSIGNMENT OF APPROXIMATELY TWENTY-FIVE (25) ADDITIONAL INVESTIGATORS TO NEW YORK CITY INVESTIGATIONS. DURING THE CURRENT FISCAL YEAR WE ANTICIPATE ADDING ANOTHER FIFTY NARCOTICS INVESTIGATORS TO NEW YORK CITY INVESTIGATIONS. AS I HAVE PREVIOUSLY STATED, IN MOST INSTANCES WE ASSIGN THESE MEMBERS TO JOINT OPERATIONS WITH THE NEW YORK CITY POLICE DEPARTMENT AND DRUG ENFORCEMENT ADMINISTRATION UNDER THE AUSPICIES OF THE DRUG ENFORCEMENT TASK FORCE. I BELIEVE THAT A REVIEW OF RECENT INVESTIGATIVE EFFORTS SINCE WE INCREASED OUR COMMITMENT TO THE NEW YORK CITY INVESTIGATIONS REVEALS BOTH AN ENCOURAGING TREND AND PRIMA FACIE JUSTIFICATION FOR SUCH ASSIGNMENTS. FOR EXAMPLE, A JOINT INVESTIGATION VIA DRUG ENFORCEMENT TASK FORCE DURING MARCH RESULTED IN THE ARREST OF TWO ISRAELI NATIONALS AND THE SEIZURE OF SIX POUNDS OF HEROIN ON STATEN ISLAND.

IN APRIL OUR TROOPERS WORKING IN CONJUNCTION WITH THE DRUG ENFORCEMENT ADMINISTRATION AND STATEWIDE ORGANIZED CRIME TASK FORCE RAIDED TWO APARTMENTS IN QUEENS AND SEIZED 100 POUNDS OF COCAINE AND ARRESTED TWO COLOMBIAN NATIONALS. A SIMILAR INVESTIGATION WE CONDUCTED THAT SAME MONTH INTO NARCOTICS TRAFFICKING IN MANHATTAN, BROOKLYN, QUEENS, BRONX, WESTCHESTER AND ROCKLAND COUNTIES RESULTED IN THE ARREST OF FORTY DEFENDANTS ON NARCOTICS CHARGES. SEIZED AT THE TIME OF THESE ARRESTS WAS OVER $330,000 CASH, TWO POUNDS OF HEROIN, FOUR POUNDS OF COCAINE, TEN POUNDS OF HIGH GRADE MARIJUANA, 16 VEHICLES, 13 HANDGUNS, TWO UZI SUBMACHINE GUNS AND A SILENCER.

IN MAY OUR TROOPERS CONCLUDED A LENGTHY INVESTIGATION ON LONG ISLAND, CONNECTED TO NEW YORK CITY, THAT RESULTED IN THE ARREST OF SEVEN SOUTH AMERICAN NATIONALS ON CONSPIRACY CHARGES FOR THE DISTRIBUTION AND SALE OF MULTI-KILO LEVELS OF COCAINE. THE GROUP WAS BELIEVED TO BE RESPONSIBLE FOR SMUGGLING OVER 400 KILOS OF COCAINE A MONTH FROM COLOMBIA INTO LONG ISLAND AND THE METRO NEW YORK CITY AREA. IT IS BELIEVED TO BE THE LARGEST SMUGGLING CONSPIRACY EVER UNCOVERED IN LONG ISLAND. IN THAT SAME MONTH, IN CONJUNCTION WITH THE DRUG ENFORCEMENT TASK FORCE, ANOTHER INVESTIGATION RESULTED IN THE SEIZURE OF 75 POUNDS OF COCAINE AND THE ARREST OF NINE COLOMBIANS. IN YET ANOTHER INVESTIGATION OUR PERSONNEL CONDUCTED RAIDS IN QUEENS THAT RESULTED IN THE SEIZURE OF THIRTY POUNDS OF COCAINE AND ARREST OF SIX COLOMBIANS. THIS GROUP WAS CONNECTED TO A DISTRIBUTION SYSTEM FOR UPSTATE THAT RESULTED IN SHIPMENTS OF COCAINE FROM NEW YORK CITY TO UTICA. SIMILAR ARRESTS WERE MADE IN UTICA.

I CAN CITE OTHER INSTANCES OF OUR INCREASED EFFECTIVENESS AND CAPABILITIES AS A RESULT OF THE INCREASED RESOURCES BEING GIVEN US BY STATE GOVERNMENT TO COMBAT THIS PROBLEM. I HAVE ATTACHED AS AN ADDENDUM TO THIS STATEMENT A COPY OF ARTICLES FROM THE MOST RECENT ISSUE OF OUR DEPARTMENTAL MAGAZINE, "THE TROOPER", WHICH GIVES A MORE COMPREHENSIVE OVERVIEW OF OUR RECENT ACCOMPLISHMENTS.

I MUST ALSO BE REALISTIC AND ACKNOWLEDGE THAT DESPITE WHAT WE PERCEIVE TO BE OUR GROWING EFFECTIVENESS IN DETECTING

AND APPREHENDING NARCOTICS TRAFFICKERS WE CONTINUE TO EXPERIENCE A GROWING PROBLEM WITH NARCOTICS ADDICTION. AS WE CONTINUE TO INCREASE OUR RESOURCES AND CAPABILITIES WE HOPE WE CAN HAVE A SIGNIFICANT IMPACT AT OUR LEVEL OF INVOLVEMENT. AGAIN; IF THERE IS NO INCREASED EFFECTIVENESS ON THE PART OF THE FEDERAL GOVERNMENT IN REDUCING THE ABILITY OF THE NARCOTICS CARTELS TO IMPORT THEIR PRODUCT AND PEOPLE WE MAY ONLY BE OPERATING A REVOLVING DOOR. THERE ARE OF COURSE OTHER ASPECTS THAT GO BEYOND THE SECURITY OF OUR BORDERS. I BELIEVE THAT NEW YORK CITY REPRESENTATIVES CAN TESTIFY TO THE PROBLEMS WITH OVERCROWDED COURT CALENDARS AND THE RESULTANT PROBLEMS THEY PRODUCE. IT DOES NO GOOD TO ARREST A NARCOTICS VIOLATOR IF THAT VIOLATOR KNOWS THAT AN OVER-TAXED LEGAL SYSTEM GUARANTEES THAT THERE IS A SMALL CHANCE HE WILL GO TO JAIL. AND WHAT GOOD WILL IT DO IF WE CAN IMPLEMENT A MANDATORY DEPORTATION POLICY FOR NON-CITIZEN NARCOTICS TRAFFICKERS IF THEY KNOW THAT OUR INSECURE BORDERS WILL ALLOW THEM EASY ACCESS BACK INTO THE COUNTRY WHENEVER THEY SO CHOOSE? ALL WE DO THEN IS CREATE A SHUTTLE SERVICE.

WE ARE EXPERIENCING A "CRACK EPIDEMIC" IN NEW YORK CITY. I HAVE BRIEFLY COMMENTED ON THE PROBLEMS OF OUR OVERCROWDED COURT CALENDARS. WE ALSO HAVE AN OVERCROWDED CORRECTIONAL SYSTEM. THESE ADD TO THE CRACK PROBLEM. LEGISLATION IS CURRENTLY BEING PROPOSED TO AMEND THE NEW YORK STATE PENAL LAW IN RELATION TO THE POSSESSION AND SALE OF FREEBASE COCAINE.

COMMONLY KNOWN AS "CRACK". THIS LEGISLATION WILL ASSIST THE NARCOTICS ENFORCEMENT EFFORT IN DETERING THOSE WHO THRIVE ON DISTRIBUTING "CRACK". AS A DETERRENT, IT SINGLES OUT "CRACK" AS A SEPARATE PENAL CATEGORY WITH LOWERED QUANTITY AMOUNTS FOR ILLEGAL POSSESSION AND SALE, THUS ACCOMMODATING PENAL STATUTES TO DRUG-BUYING REALITIES ON THE STREET. CURRENTLY, "CRACK" DEALERS SERVE NO OR MINIMAL TIME IN JAIL DUE TO THE FACT OF THE OVERCROWDED CORRECTIONAL CONDITIONS, CONGESTED COURT DOCKETS AND MINIMAL PENALIES FOR QUANTITIES OF "CRACK". MOST PROBABLY, NO ACTION WILL BE TAKEN ON THIS ISSUE UNTIL THE FALL LEGISLATIVE SESSION CONVENES.

OUR EXPERIENCE TO DATE INDICATES THAT THE "CRACK EPIDEMIC" HAS NOT YET SPREAD TO THE UPSTATE AREA IN ANYWHERE NEAR THE PROPORTIONS BEING EXPERIENCED BY NEW YORK CITY. WE HAVE SEEN SIGNS OF AN INCREASED APPEARNACE OF CRACK IN THE DOWNSTATE SUBURBS SURROUNDING NEW YORK CITY. WE HAVE ALSO SEEN EVIDENCE OF ITS APPEARANCE IN THE UPSTATE METROPOLITAN AREAS. IT IS A SITUATION WE ARE MONITORING CLOSELY. OUR ENFORCEMENT EFFORTS ARE PRIMARILY AIMED AT UPPER LEVEL NARCOTICS DEALERS AND WE HAVE NOT BEEN DIRECTLY INVOLVED IN STREET LEVEL OPERATIONS IN NEW YORK CITY DIRECTED AT CRACK DEALERS. I BELIEVE IT SHOULD BE RECOGNIZED THAT CRACK IS IN REALITY NOTHING MORE THAN COCAINE. THE FIVE HUNDRED SIXTY POUNDS OR MORE OF COCAINE WE HAVE SEIZED SO FAR THIS YEAR COULD HAVE BEEN CONVERTED INTO MILLIONS OF VIALS OF CRACK. WE INTEND TO DO ALL WE CAN IN THE WAR AGAINST

THIS NARCOTICS PHENOMENA.

IN CONCLUSION I WOULD LIKE TO STRESS THAT THE DIVISION OF STATE POLICE IS FIRMLY COMMITTED TO A POLICY OF COOPERATION WITH ALL LAW ENFORCEMENT AGENCIES INVOLVED IN THE WAR AGAINST NARCOTICS VIOLATORS. THE ATTACK ON THIS PROBLEM MUST BE A JOINT VENTURE BETWEEN FEDERAL, STATE AND LOCAL AGENCIES. HOPEFULLY, THESE EFFORTS WILL EVENTUALLY RESULT IN THE ELIMINATION OF THIS PROBLEM AS A SOURCE OF MAJOR CONCERN. THE NEW YORK STATE POLICE WILL HAVE, BY THE END OF THIS CURRENT FISCAL YEAR, OVER THREE HUNDRED INVESTIGATORS ASSIGNED ON A FULL-TIME BASIS TO NARCOTICS AND/OR ORGANIZED CRIME INVESTIGATIONS IN THE METROPOLITAN AREAS OF NEW YORK STATE. WE HAVE SEEN THAT NARCOTICS ADDICTION IS A PROBLEM ACROSS THE STATE AND THAT THE PURVEYORS OF THE DRUGS ARE ORGANIZED AND HAVE NO CONCERN ABOUT GEOGRAPHICAL OR POLITICAL BOUNDARIES. WITHIN THE CONFINES OF NEW YORK STATE IT IS OUR GOAL TO SEE THAT THEIR HEYDAY IS OVER.

# NYSP FIGHTS NARCOTICS

## NEW NARCOTICS PROGRAM OFF TO AUSPICIOUS START

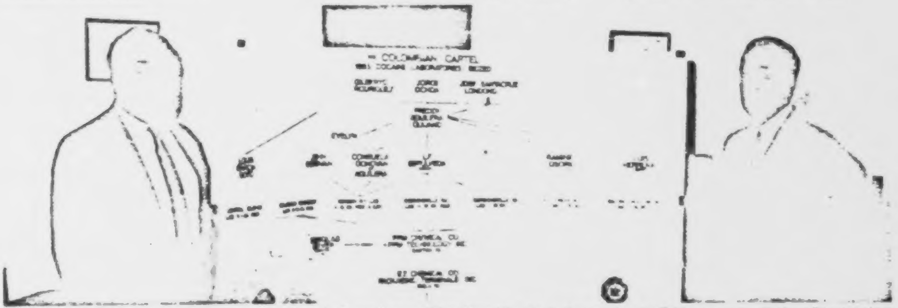
**By Staff Insp. (BCI) David M. Luitweiler**

The Division's new narcotics enforcement program has begun to show an encouraging trend in both the quality and quantity of seizures of illegal narcotics. Credit for the recent series of arrests must go to both the uniform force and the Bureau of Criminal Investigation.

The Division has received approval to add 150 additional positions to the BCI for the specific purpose of narcotics enforcement. One-half of these positions are allocated for the metropolitan New York City area and the remainder to the upstate area. The addition of these positions to the previously allocated strength of the various troop and detail narcotics units will give the Division a combined strength of over 300 BCI positions allocated to narcotics organized crime. This is one of the largest programs of its kind for American police agencies.

The reorganized structure calls for a staff inspector at Division Headquarters who supervises and coordinates narcotics and organized crime investigations. The BCI enforcement program is then broken down into three general enforcement programs.

- Each of the nine troops (excluding Troop T) continues to operate a narcotics unit at troop level. The BCI captain in each troop is responsible for the enforcement program in his troop. As a result of the increased manpower allocations, it is anticipated that each troop narcotics unit will be doubled in size by March of 1987 from its original strength. The BCI captain reports to the staff inspector regarding narcotics activities.
- With the increased manpower allocations, the Division will greatly increase its investigative presence in NYC for purposes of narcotics investigations. Prior to this increase, the Division's presence in NYC consisted primarily of our involvement with the Drug Enforcement Task Force (DETF). This unit is comprised of Division members, NYC Police and Drug Enforcement Administration (DEA) agents. The three agencies combine their personnel into various groups who work selected targets in the NYC area. The DETF operates from DEA Headquarters in NYC. Traditionally, a State Police captain has been the ranking Division member assigned to the unit and serves as detail commander for SP personnel. With the additional personnel assigned to NYC, a new position of major was created to supervise all SP personnel assigned to NYC narcotics operations. Major James Englishby now holds that position. He has direct supervisory responsibilities for our personnel assigned to DETF. The detail commander for DETF, Captain Paul J. Mahoney, reports to Major Englishby. The Division has allocated some of the newly-created positions to form a second investigative presence. unit via the office of the Special Prosecutor for Narcotics for NYC. This office is headed by Special Prosecutor Sterling Johnson, Jr. The SP squad assigned to this office is commanded by Lt. William DeBlock, who reports directly to the major.
- The Special Investigations Unit (SIU) represents the third segment of the BCI enforcement program. This unit is a statewide investigative unit that has primary responsibilities for organized crime investigations. It works closely with the Statewide Organized Crime Task Force (OCTF), and also with federal and local prosecutors. The emergence of non-traditional organized crime elements, such as the Colombian cocaine cartels and outlaw motorcycle gangs, has resulted in numerous narcotics investigations by this unit. There is a demonstrated link between narcotics and organized crime activities, be it traditional or non-traditional.



Staff Insp. David M. Luitweiler, supervisor of SP Narcotics Operations, and Dep. Supt. Thomas A. Constantine, the field commander, display a Division chart connecting various cocaine processing labs in upstate New York to Colombian cocaine cartels.

[illegible] Division a major enforcement factor in narcotics investigations across the state. Governor Mario Cuomo and Criminal Justice Director Lawrence T. Kurlander have initiated and supported this program to help stem the flow of narcotics in the state.

The most efficiently organized structure, and the best training available anywhere, are all for naught if successful results are not obtained. By early April of this year, an additional 50 investigative personnel have been assigned directly to narcotics investigations with an additional 100 to be added in the coming year. The specialized training programs on narcotics enforcement for uniform personnel was well underway. The results speak for themselves. In the three-month period of March through May, Division personnel were involved with the following arrests and seizures.

- On March 7, members of the New York DETF arrested two Israeli nationals and seized **six pounds of heroin** in Staten Island. As the result of a search warrant, $6,011 in cash, a loaded .38-caliber handgun and assorted drug paraphernalia were also seized.
- On March 7, members of the Troop F Narcotics Unit at Middletown engaged in an undercover operation that culminated in a buy-bust situation in which three NYC men agreed to sell an undercover trooper **a kilogram of high grade cocaine for $43,000**. The three men agreed to travel from NYC to New Paltz, where the deal was consummated, the cocaine seized, and the arrest was effected.
- On March 11, members of the Commack, Long Island office of the SIU arrested a Long Island man as he returned from Staten Island with a quantity of cocaine. A subsequent investigation revealed that an organized cocaine trafficking ring was supplying large amounts of cocaine to various parts of New York and New Jersey. With the assistance of the DEA and the NYC PD, 34 people were arrested on a total of 52 charges of sale and possession of controlled substances. As a result of this case, **201 pounds of cocaine, 12 assorted handguns, 15 automobiles, $100,000 in cash,** two computers and assorted floppy disks, anti-bugging devices, portable police scanners, exploding bullets and a bulletproof vest were seized.
- On March 12, Troop C personnel combined efforts with the Owego PD to arrest eight persons on narcotics charges pertaining to the sale of controlled substances in that Southern Tier community.
- On April 10, members of the [illegible] office of the SIU, in conjunction with the New York DETF, culminated a five month investigation into drug trafficking in Manhattan, Brooklyn, Queens, Bronx, Westchester and Rockland Counties. As a result, 40 defendants were arrested on a variety of drug sale and possession charges along with several unlawful weapons charges. The following property was seized in connection with this investigation: **$330,159 in cash, two pounds of heroin, four pounds of cocaine, ten pounds of high-grade marijuana, 16 vehicles, 13 handguns, two Uzi machine guns and a silencer.**
- On April 16, members of the SIU, DEA agents and investigators from the OCTF raided two apartments in Queens as the result of an SIU-originated investigation. The investigators seized almost **100 pounds of cocaine and more than $100,000 in cash**. Two Colombian nationals were arrested in connection with this seizure.
- On May 12, members of Troop L on Long Island arrested seven South American nationals on conspiracy charges for the distribution and sale of multi-kilo levels of cocaine. This group is believed to be connected to a Colombian cocaine cartel. Seized at the time were several **handguns, sawed-off shotguns, more than $136,000 in cash, amounts of cocaine, and assorted counter-surveillance equipment**. The investigation was initiated by the Troop L Narcotics Unit. The group was described as the largest cocaine-smuggling ring ever uncovered on Long Island. It is believed they were responsible for smuggling **400 kilograms of Colombian cocaine a month** into Long Island. Investigators were forced to start making arrests when intercepted conversations in court-authorized technical surveillances indicated they were discussing killing two associates who owed them money. A Suffolk County District Court Judge set **$1 billion** bail for two of the defendants and bail ranging from $5 to $10-million each for the other five defendants. The Suffolk County District Attorney and DEA agents cooperated and participated in the investigation. In setting the record bail, the judge stated, "I wanted to let the word out to any prospective drug dealers that if they get caught in Suffolk County, they're not going to be handled with kid gloves anymore. Enough is enough."
- On May 14, SP personnel assigned to the DETF in NYC were instrumental in the success of a DETF investigation that led to the seizure of approximately **75 pounds of cocaine and over $67,000 in cash**. Nine Colombian subjects were arrested in connection with this case.
- On May 15, members [illegible] uniform force in Troop F stopped a vehicle on a speeding charge. A subsequent search of the vehicle resulted in the seizure of **approximately 115 pounds of cocaine** and the arrest of a Queens man who was operating the vehicle. Information developed for this arrest was immediately acted upon by Troop F BCI, who raided a house in Pine Bush, Orange County, and arrested the husband and wife who resided there, after six ounces of high-grade cocaine and a loaded revolver were seized.
- **On May 16, Troop F BCI, DEA and FBI agents raided** a cocaine processing laboratory in the town of Athens, Greene County, near Catskill. **Four Colombians were arrested and 92 pounds of cocaine were seized**. The subjects had just completed converting the cocaine to a finished product. The raid climaxed a two-month investigation after the lab's existence was uncovered by troopers assigned to SP Catskill. It is estimated that the lab was producing about **40 pounds of cocaine a week**. Three of the subjects resided in Queens and the fourth had recently arrived from Colombia. This raid occurred only hours after the aforestated arrest in Monroe on the same date. It was a busy day for Troop F personnel.
- On May 21, members of the Troop K BCI, SIU, State Police assigned to the Special Prosecutor's Office in NYC, the DETF, DEA agents and U.S. Immigration and Naturalization agents conducted raids in Queens that resulted in the arrest of **six Colombians** residing in Queens and the seizure of **30 pounds of cocaine and $40,000 in cash**. These arrests followed a lengthy investigation conducted by the Troop K SIU that involved numerous court-authorized wiretaps and uncovered a Colombian directed distribution network with ties to upstate New York.
- On May 22, Division members assigned to the SIU, Troop D personnel, OCTF, and the Oneida County DA's Office conducted a series of arrests in the Utica area that resulted in the seizure of a pound-and-a-half of cocaine and the arrest of five subjects, including two Colombians from NYC. The group is connected to a NYC operation that supplied the Utica area. This investigation was initially originated by the Utica office of the SIU.
- During the last week in May, Troop F narcotics investigators uncovered another cocaine processing lab. This one was located in South Fallsburgh, Sullivan County, and had been hurriedly dismantled after the raids and arrests of the previous week. Numerous barrels of chemicals, filters, microwave ovens and other lab-related

materials were seized as well as cocaine residue. Also seized were several cases of soda pop from Colombia! Armed with search warrants, the investigators also raided locations in Orange and Ulster Counties that were connected to this operation. More chemicals and $20,000 were seized. A South Fallsburgh man was arrested and charged with first degree criminal possession of a controlled substance.

These investigations represent a highlight of SP enforcement efforts over the past three months as the reorganized narcotics enforcement program begins to mature. They represent the seizure of **more than 520 pounds of cocaine, eight pounds of heroin, more than $680,000 cash, scores of firearms and scores of defendants.** Two cocaine processing laboratories have been shut down. With an additional 100 investigators being added to the battle against drugs in the coming year, it is anticipated that these results will be improved upon.

These cases by no means represent the sum of Division enforcement efforts. Narcotics investigators have made arrests for the sale of heroin in Albany and Buffalo, a joint operation with the Montreal Urban Police resulted in the seizure of a kilo of cocaine and the arrest of three subjects - two of them Canadians in Plattsburgh, we participated with Binghamton and Broome County agencies in a major Southern Tier investigation that led to numerous arrests, worked joint investigations with federal and local agencies in Buffalo, Rochester, Syracuse and Albany that have resulted in numerous arrests and seizures, and have followed through on countless investigations initiated by the uniform force.

The uniform force members have made several hundred road arrests on narcotics possession charges and provided a wealth of criminal information for analytical and supervisory personnel. Numerous members of both the uniform and BCI squads have accepted temporary assignments that resulted in protracted periods away from their home areas in pursuit of the aforesaid investigations. It has been truly a joint effort by all members of Division operations, uniform and BCI, sworn personnel and civilian personnel, all working in concert to address the challenge presented to the Division by the narcotics threat. Support services rendered by the SP Laboratory, Hazardous Material Enforcement Unit and Mobile Response Team are critical to the overall effort.

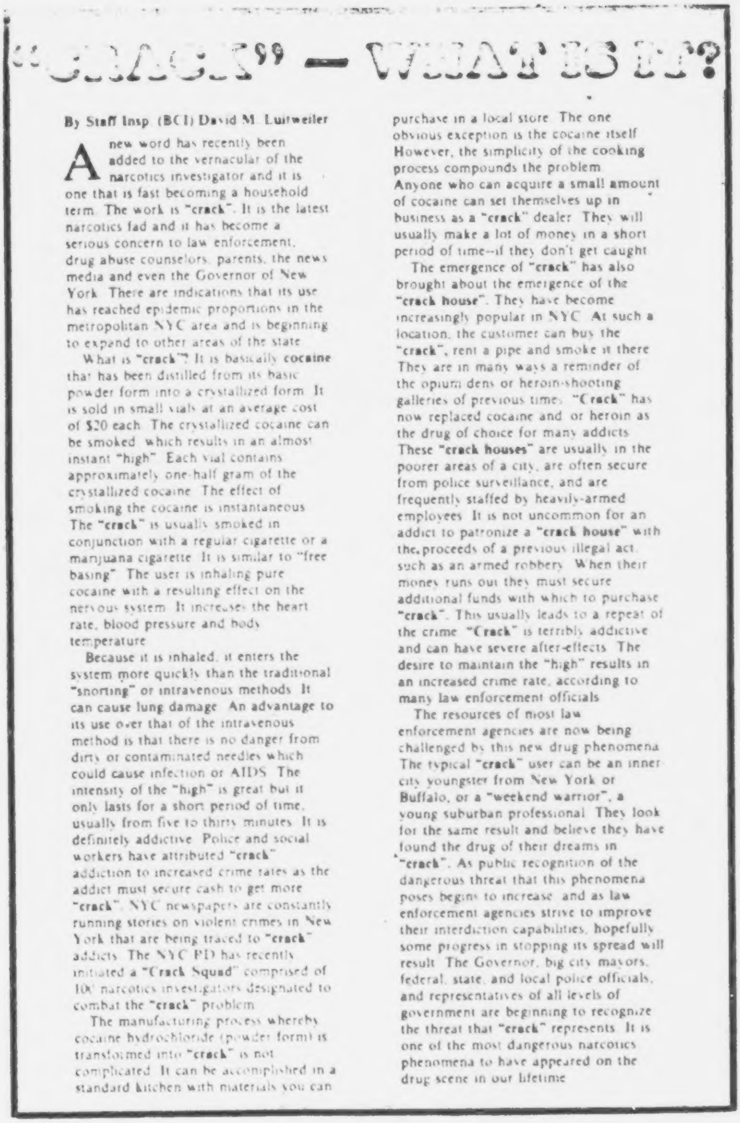
Our experience has shown us that much of the narcotics product we are seizing upstate has a connection to New York City and other areas of the country. We have committed a portion of our investigative resources to joint operations with the DEA and NYC PD in an attempt to prevent the drugs from being dispersed upstate. Our experience with the cocaine distribution rings demonstrates clearly that NYC is the center of their operations. It is far more logical, in our belief, to interdict the cocaine at its source and prevent its distribution to the upstate communities.

The emergence of the Colombian-controlled cocaine processing laboratories in the rural upstate areas is of growing concern. Through a spirit of joint cooperation with the FBI, DEA and local agencies, and increased awareness training for both uniform and BCI personnel, we are making progress in seeing that New York State is a risky place to set up such labs.

How successful we are in the future in reducing narcotics activities in this state remains to be seen. We believe we are beginning to make significant progress, but we recognize that enforcement alone is not the answer. In the midst of our apparent successes, we are faced with a new thr in the form of "crack." This potent fo of cocaine is presenting a serious thre in the NYC area and it is only logical that it will begin to become more prevalent in the upstate areas. Togethe with federal and local agencies, we are monitoring this situation. We are already beginning to detect instances c its appearance in the upstate area, although nowhere near the prevalence that NYC is experiencing. Education c the public and the efforts of all the service agencies of government must b directed to solving the "crack" phenomena. The Division stands ready to commit its resources to this battle.

The State of New York is committe to an all-out attack on narcotics trafficking. The Division of State Polic has received both a challenge and increased resources to do the job. We have approximately 4,000 sworn office each of whom has a role to play. With over 300 investigative positions allocat specifically for narcotics and/or organized crime investigations, we have one of the largest "vice squads" in the nation. Our goal now is to get the job done.

*Tpr. Charles Arena (Monroe F) examines 115 pounds of cocaine he and Tpr. [illegible] May 15 after an NYC driver was stopped for speeding on Route 17 in Orange County. Middletown Time Herald Record photo by Mike Carey*



# "CRACK" — WHAT IS IT?

By Staff Insp. (BCI) David M. Luitweiler

A new word has recently been added to the vernacular of the narcotics investigator and it is one that is fast becoming a household term. The work is "**crack**". It is the latest narcotics fad and it has become a serious concern to law enforcement, drug abuse counselors, parents, the news media and even the Governor of New York. There are indications that its use has reached epidemic proportions in the metropolitan NYC area and is beginning to expand to other areas of the state.

What is "**crack**"? It is basically **cocaine** that has been distilled from its basic powder form into a crystallized form. It is sold in small vials at an average cost of $20 each. The crystallized cocaine can be smoked which results in an almost instant "high". Each vial contains approximately one-half gram of the crystallized cocaine. The effect of smoking the cocaine is instantaneous. The "**crack**" is usually smoked in conjunction with a regular cigarette or a marijuana cigarette. It is similar to "free basing". The user is inhaling pure cocaine with a resulting effect on the nervous system. It increases the heart rate, blood pressure and body temperature.

Because it is inhaled, it enters the system more quickly than the traditional "snorting" or intravenous methods. It can cause lung damage. An advantage to its use over that of the intravenous method is that there is no danger from dirty or contaminated needles which could cause infection or AIDS. The intensity of the "high" is great but it only lasts for a short period of time, usually from five to thirty minutes. It is definitely addictive. Police and social workers have attributed "**crack**" addiction to increased crime rates as the addict must secure cash to get more "**crack**". NYC newspapers are constantly running stories on violent crimes in New York that are being traced to "**crack**" addicts. The NYC PD has recently initiated a "**Crack Squad**" comprised of 100 narcotics investigators designated to combat the "**crack**" problem.

The manufacturing process whereby cocaine hydrochloride (powder form) is transformed into "**crack**" is not complicated. It can be accomplished in a standard kitchen with materials you can purchase in a local store. The one obvious exception is the cocaine itself. However, the simplicity of the cooking process compounds the problem. Anyone who can acquire a small amount of cocaine can set themselves up in business as a "**crack**" dealer. They will usually make a lot of money in a short period of time--if they don't get caught.

The emergence of "**crack**" has also brought about the emergence of the "**crack house**". They have become increasingly popular in NYC. At such a location, the customer can buy the "**crack**", rent a pipe and smoke it there. They are in many ways a reminder of the opium dens or heroin-shooting galleries of previous times. "**Crack**" has now replaced cocaine and/or heroin as the drug of choice for many addicts. These "**crack houses**" are usually in the poorer areas of a city, are often secure from police surveillance, and are frequently staffed by heavily-armed employees. It is not uncommon for an addict to patronize a "**crack house**" with the proceeds of a previous illegal act, such as an armed robbery. When their money runs out they must secure additional funds with which to purchase "**crack**". This usually leads to a repeat of the crime. "**Crack**" is terribly addictive and can have severe after-effects. The desire to maintain the "high" results in an increased crime rate, according to many law enforcement officials.

The resources of most law enforcement agencies are now being challenged by this new drug phenomena. The typical "**crack**" user can be an inner city youngster from New York or Buffalo, or a "weekend warrior", a young suburban professional. They look for the same result and believe they have found the drug of their dreams in "**crack**". As public recognition of the dangerous threat that this phenomena poses begins to increase and as law enforcement agencies strive to improve their interdiction capabilities, hopefully some progress in stopping its spread will result. The Governor, big city mayors, federal, state, and local police officials, and representatives of all levels of government are beginning to recognize the threat that "**crack**" represents. It is one of the most dangerous narcotics phenomena to have appeared on the drug scene in our lifetime.

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The resources of most law enforcement agencies are now being challenged by this new drug phenomena. The typical "crack" user can be an inner-city youngster from New York or Buffalo, or a "weekend warrior", a young suburban professional. They look for the same result and believe they have found the drug of their dreams in "crack". As public recognition of the dangerous threat that this phenomena poses begins to increase, and as law enforcement agencies strive to improve their interdiction capabilities, hopefully some progress in stopping its spread will result. The Governor, big city mayors, federal, state, and local police officials, and representatives of all levels of government are beginning to recognize the threat that "crack" represents. It is one of the most dangerous narcotics phenomena to have appeared on the drug scene in our lifetime.

## PATROL DRUG ARRESTS:

# Utilizing the Resources of the Uniform Force

**By Capt. Bruce M. Arnold**
**Troop T**

The war against illegal narcotics trafficking is one of the primary battles being waged by law enforcement agencies throughout the country. The New York State Police has been one of the premier agencies to participate in this battle. With the support of Governor Mario M. Cuomo, the State Police have utilized increased manpower and resources to step up the campaign against drug traffickers. The impact of State Police efforts in New York has been evidenced by numerous large scale narcotics seizures, including the identification and confiscation of five cocaine-producing laboratories as well as a marked increase in the overall amount of drugs seized within the state.

Increased investigative support and more sophisticated equipment have been part of the resources that have enabled State Police to successfully target and identify drug traffickers. In addition, one of the most vital resources to impact significantly on this problem has been the Uniform Trooper.

Over the last year, a highly successful pilot project and a new, innovative training program aimed at increasing awareness of drug trafficking patterns and methods have been established within the New York State Police to provide Uniform Troopers and Sergeants with knowledge to enhance their ability to identify and intercept illicit drugs being transported through New York State.

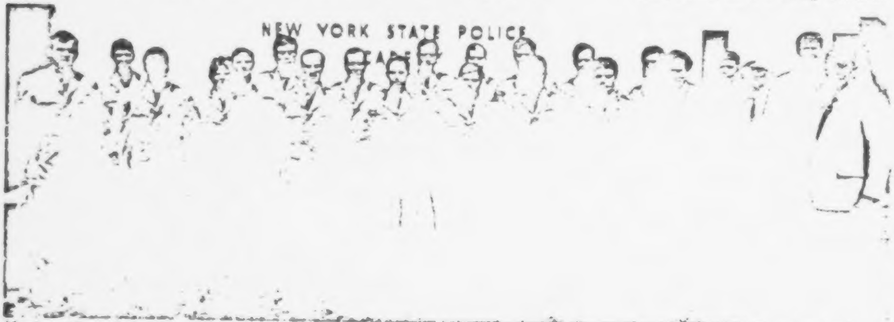
By virtue of their patrol function, Uniform Troopers are continuously in a position to come into contact with narcotics traffickers, particularly under circumstances where they may be transporting drugs. Based on this, State Police undertook a review of various narcotic enforcement programs on the state and federal levels, to determine if some of these approaches could be successful in New York.

### THE NEW JERSEY AND NEW MEXICO STATE POLICE PROGRAMS

During the early 1970's, the four-mile stretch of highway entering the State of New Jersey from the Delaware Memorial Bridge showed evidence of being a major thoroughfare for drug traffic into the northeastern part of the country. This was established by random drug seizures that were being made by New Jersey Uniform Troopers. Statistics were compiled that substantiated amounts of controlled substances were being transported in vehicles. As a result, the New Jersey State Police developed a program to provide training and technical support to troopers concerning narcotics trafficking patterns and search and seizure guidelines. Investigative support was established for on-site response to seizures meeting a predetermined criteria. Reinforcement and recognitic of the efforts and initiative displayed troopers making the seizures is an integral part of the New Jersey progr. so supervisors, particularly Uniform Sergeants as first-line supervisors, are vital in providing motivation and support to the troopers.

Since the implementation of the Patrol Drug Response Program in Ne Jersey, Uniform Troopers have been responsible for a great number of arre and a significant disruption in the flo of narcotics through their state. The training provided to New Jersey Troopers, as well as the enthusiasm generated as the result of making arre has caused a marked interest and increase in drug arrests on the part of Uniform Troopers.

In New Mexico during the early 1980's, members of the New Mexico State Police, while working with U.S. Custom Agents, became aware of the use of concealed compartments for the purpose of transporting illegal contraband. These signs of increased trafficking prompted troopers to becom more observant during traffic violation stops and they began to more thoroughly investigate the circumstances present at the time of their contact with the drivers. In 1983, the New Mexico State Police seized more than 744 pounds of cocaine, which testified to the success of the efforts of their Uniform personnel. As a result, it initiated a training program for their members to enhance ability for narcotics intercepti



**Members of Troop T, Zone II gather after receiving a Superintendent's Unit Citation for their outstanding work concerning drug arrests. Joining the troopers a Thruway Executive Director Al Levine and Thruway Chairman Henry Bersani.**

which has drawn nationwide attention and interest from other local, state and federal agencies. With the assistance of the federal funding members of the New Mexico State Police have presented their training program to law enforcement agencies in numerous other jurisdictions and states.

New York State's geographical location in the northeast and high volume of narcotics seizures that have been made in the New York/New England areas, are indicative of the high probability of transport along New York State's highways, particularly interstate highways. Based on this and the successes in the New Jersey and other programs, plans were made to conduct a pilot program aimed at increasing awareness of Uniform Troopers concerning drug trafficking methods and patterns.

## TROOP-T ZONE II PILOT PROGRAM

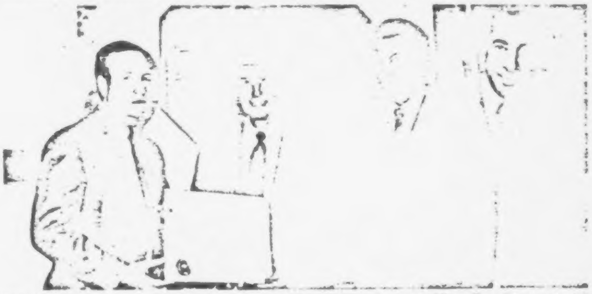
The New York State Thruway is the major throughfare in New York State in its entirety. The highway serves as a corridor extending from Metropolitan New York to Albany and Buffalo, and accesses New England via the Massachusetts Turnpike as well as the Montreal Canadian border via Interstate 87. Zone II, Troop T, which encompasses the Thruway from New Paltz to Canajoharie and includes the "Berkshire Spur" to the Massachusetts Turnpike, is the crossroads of the highway and as a result, was chosen as the site for the pilot program.

A one-day training seminar to familiarize Uniform Troopers with the pilot project and its goals was developed and presented to selected members of Zone II. Troopers were given instruction in visual identification of drugs, a review of search and seizure guidelines, and acquainted with previously encountered drug trafficking methods. Members of the New Jersey State Police Patrol Drug Response Unit attended the seminar and provided a presentation on the history and accomplishments of their unit.

To efficiently monitor the program, the New York State Police Electronic Data Processing Unit initiated a Management Information Program for the compiling of data relating to seizures made by troopers in the pilot area. In order to target potential drug trafficking patterns on a consistent basis, a criteria was established to designate seizures that would be considered as qualifying for inclusion in the pilot program. The established criteria includes: Eight grams of any Controlled Substance, Eight ounces of Marijuana, One hundred pills, capsules or tablets. Any seizure where there is evidence of a connection to an organized group. Any seizure of Marijuana or Controlled Substance where a handgun or firearm is seized.

The pilot program commenced in May of 1985, and at the end of the first ten months, 367 Controlled Substance and Marijuana arrests were effected by Zone II personnel. Included in the quantities of drugs seized were approximately 4.51 pounds of cocaine and 45 pounds of marijuana. Over $9,000 in U.S. currency and several vehicles were also seized as narcotics-related.

The success of the pilot program was exemplified by Superintendent Chesworth's awarding of the 1985 Unit Citation to the members of Zone II, Troop T for their outstanding achievement in the area of interception and arrests of narcotics traffickers.



Dep. Supt. Thomas A. Constantine presents a certificate of appreciation to Major Ron Grimming and Richard Burwitz of Planning and Research of the Illinois SP for their assistance in establishing a pilot program concerning drug trafficking methods.

## STIPEND TRAINING PROGRAM FOR UNIFORM TROOPERS

As a result of the Labor Management Contract for the troopers of the New York State Police for the period 1985-88, a Professional Development Program was established. The program provides for monetary reimbursement to the Uniform Trooper upon successful completion of an academic program taken during their off-duty hours which is directly related to their duties as a member of the State Police.

During the latter part of 1985, a joint committee consisting of representatives of the New York State Police Benevolent Association and the State of New York met to determine the type of training to be offered by the program. Because of the success of the Troop T Pilot Project, it was proposed as a model program for the Training Seminar. It was determined that an educational awareness program focusing on the identification, recognition and apprehension of illicit drug traffickers would be valuable to the members participating.

The Stipend Training Program was developed by members and staff of the New York State Police who reflected strong backgrounds in such areas as patrol drug arrests, knowledge of search and seizure procedures and statutes, verbal communication skills, supervisory experience and training.

The program focuses on increasing the awareness of Uniform Troopers regarding drug trafficking methods, knowledge of up-to-date search and seizure guidelines, drug identification - including new types of drug and drug paraphernalia, and smuggling techniques.

In the conceptualization phase of the Stipend Training Program, it was recognized that although the training would be afforded to Uniform Troopers only, any long term accomplishments would require supervisory members' acceptance of the program and support of the efforts made by the uniform troopers. Uniform Sergeants, as first-line supervisors are an integral key to the continued success of a program of this nature by providing motivation, reinforcement and informational feedback to the patrol trooper.

In order to facilitate knowledge of the patrol drug awareness program and its goals, a familiarization session was conducted for representative State Police supervisory personnel from each troop at the New York State Police Academy prior to the start of Stipend Training.

Supervisors were acquainted with the objectives of the program and the instructional content. Members of the Federal Drug Enforcement Agency, New Jersey State Police, New Mexico State Police and Illinois State Police were on hand at the orientation to relate the experiences and success of their respective patrol drug enforcement programs.

The first training sessions for Uniform Troopers were held in February, 1986. The one-day sessions are attended by troopers on an elective basis and while off-duty. The sessions are held at various times and locations in the Troops to ensure accessibility by all troopers.

*Tprs. Robert T. Dillon and Nancy H. Deming display 19½ ounces of cocaine and $4,000 cash they seized as a result of a patrol drug arrest. In the center is Montgomery County Court Judge Howard Aison, who was Montgomery County DA when the arrest was made.*

### ACCOMPLISHMENTS

Initial feedback in the form of positive comments from troopers attending the program and several significant patrol drug seizures testifies to an increasing awareness by all State Police members of drug trafficking methods. Some examples of significant patrol drug arrests since the start of the Zone II pilot project and the Stipend Training Program were established include:

In October 1985, a stop of a vehicle for a traffic violation on the Thruway led to the seizure of 18 ounces of cocaine after troopers spotted the drugs on the floor of the car.

In February 1986, two subjects in a vehicle traveling from New York City were stopped for a vehicle and traffic law violation. Probable cause was established for a search of the car which disclosed 17.8 ounces of cocaine that was being transported to Rochester for distribution.

During May 1986, troopers stopped a vehicle near Monroe for speeding. Subsequent investigation and search disclosed in excess of 50 kilos of cocaine that was being transported in the trunk. As a result of the arrest, a search warrant was also obtained for the intended delivery location and the search of the residence led to the arrest of two more suspects and seizure of another six ounces of cocaine and an illegal handgun.

Also during May, a vehicle containing three occupants was stopped by a State Police Sergeant for a traffic violation. The investigation and resultant search of the vehicle disclosed 3.5 ounces of purified cocaine, commonly called "crack", that was being transported in the car. Subsequent investigation disclosed that the suspects were actually preparing the "crack" vials for street distribution as they were traveling on the interstate.

These cases point to an increased awareness by State Police members regarding drug trafficking patterns. N all patrol drug seizures have been ma by members of the pilot program or recipients of the Stipend Training Program. The arresting officers reflect variety of experience and background. is probable, however, that by training members and increasing awareness ab drug trafficking methods, the State Police can generate interest and initiat among all members in identifying drug smugglers.

Although it may lack the sweeping impact of large-scale seizures made at the conclusion of long term investigations, patrol narcotics seizures can have an appreciable impact on the illicit drug trade and can be an effectiv tool in the war on illegal narcotics trafficking.

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## A MAJOR DRUG BUST
# A TRAIL OF HEROIN AND BLOOD

**By Will David**
**White Plains Reporter Dispatch**

On March 26, 1983, a 29-year-old Hispanic man was found shot to death behind a service station on the Taconic State Parkway in Mount Pleasant. Nearby was a pet chihuahua that had been crushed to death.

To the State Police from Troop K investigating the murder, it looked like a routine "dump job" — someone had murdered him downstate and dumped the body in the suburbs. Around his neck was a gold medallion bearing the name of a Bronx church, St. Martin of Tours.

Investigators later learned the body was that of Enrique Melendez, a mentally retarded Bronx man with a third-grade education.

The murder probe eventually uncovered an international heroin smuggling conspiracy stretching from Yonkers to Syria and Jordan.

Before the investigation was complete, 13 people would be convicted in U.S. District Court in the drug ring, whose kingpin was said to be a naturalized American citizen from Jordan who lived in Yonkers.

The 13 were to be sentenced in federal court in a case described by Westchester District Attorney Carl Vergari as one of the most significant in which his office had become involved. Although there had been larger drug seizures, Vergari said the case was the first in which people with the resources to deal directly overseas were captured in Westchester.

At the center was Sami Annabi, whose house in a rundown area of the Park Hill section of Yonkers was a frequent scene of deliveries by drug couriers, investigators said. The heroin had been smuggled from the Middle East via Canada, Boston and Los Angeles.

Annabi, now 42, distributed the heroin to buyers in Westchester and surrounding metropolitan area drug traffickers. He has been convicted of operating a criminal enterprise.

Two of those suspected of some involvement in drug dealing were Josep Vataj, 31, and Saleem Naber, 28, both of Yonkers, state and federal prosecutor said. When the pair became suspects in the unrelated probe of the Melendez killing, police virtually stumbled upon their other connection to Annabi and the drug ring that police said operated i $1 million shipments.

Working from nothing more than the gold medallion, State Police visited St. Martin of Tours Church at 664 Grote St., said State Police Sr. Inv. Vincent Burke.

Burke, who headed the murder probe, said police learned the name of Melendez from clergymen at St. Martin, where the dead man was a parishioner. Church officials also directed police to Melendez's first floor apartment at [illegible] Bainbridge Ave. There, police met Melendez's family.

"They immediately said that it was the guys next door (who killed Melendez)," Burke said.

Investigators interviewed the men next door — Vataj, Naber and a third man, Jerry Mullahey — but they all had alibis, Burke said. After days of conducting hundreds of interviews in the Bainbridge Avenue area, police re-examined the three alibis.

"Of the group, I felt that Mullahey would tell the truth, which he eventually did," Burke said.

The following accounts of Melendez's murder, which was unrelated to the drug ring but eventually led State Police to Annabi's doorstep, were revealed in court papers and during interviews with Burke and Assistant Westchester District Attorneys Ronald Ball and Robert Neary.

Mullahey told police that he, Naber and Vataj used the Bainbridge Avenue apartment for their illegal drug trade, although they lived elsewhere.

Naber and Vataj took a liking to their neighbor, Melendez, Mullahey said. They toyed with him like a mascot, giving him drugs and at times sending him out to see if he could purchase cocaine for them.

But the relationship turned deadly when Melendez began talking throughout the neighborhood about the drug operation, investigators said. Naber and Vataj feared that the retarded man would violate their secrecy.

Mullahey testified that he had speculated that Vataj and Naber would kill Melendez for "running his mouth."

Mullahey said he, Naber and Vataj were in the Glenside Bar — next door to the Bainbridge apartment building — on Melendez's fatal night. Melendez walked past the bar with his dog en route to the park.

Vataj saw him through a window and told Naber to get his car, Mullahey testified. Naber pulled his Ford Granada up to the bar and Melendez and Vataj piled into the front seat, with the dog in the back. All three sped off in the car.

Mullahey told investigators that Melendez became nervous during the drive and that Vataj drew a .380 Beretta and shot the retarded man once in the head. The weapon fell apart after the gun was fired.

With blood dripping on the front seat, Naber drove to the service station, which was closed, according to trial testimony. The men left the car. Melendez was placed face down on the concrete behind the service station, and Vataj shot him repeatedly in the head with Naber's .38-caliber handgun. The chihuahua was crushed to death and left lying next to its master.

The men then drove back to the Bronx and burned a bag of their bloody clothes in a friend's apartment incinerator, Mullahey testified. To further cover up the murder, they drove the Granada to the Bronx Terminal Market, tossed the guns into the Harlem River and set the car afire.

Sr. Inv. Burke said Mullahey had led State Police to the burned car, where parts of the broken Beretta were found inside. With Mullahey's help, State Police divers found the gun in the river, and authorities matched the broken parts of the gun.

They also obtained Melendez's blood samples from the car.

In late 1984 and early 1985, during two trials, Vataj and Naber were convicted of the Melendez killing and were sentenced to 25 years each. Naber was convicted and sentenced in absentia because he had fled. He remains at large.

During the murder probe, investigators tapped Vataj's telephone in Yonkers. It was in those wiretaps, from October through December 1984, that they regularly heard drug deals being discussed with couriers in Annabi's ring, they said.

"As a result of the information from the homicide, we got a wiretap order on Joe Vataj's phone," said Burke. "As a result of this, we determined that we probably belonged at Sami's place."

State Police began surveillance at Annabi's house.

Using state investigators to man court-ordered wiretaps and a federal Arabic interpreter as a translator, a joint state and federal task force learned that Annabi was masterminding an international heroin ring from his Yonkers home, authorities said.

Ironically, the business was thriving even though Annabi also was working as an informant for the federal Drug Enforcement Administration.

The informant status stemmed from 1982, when Annabi and his brother, Nedam Annabi, 35, of Greenburgh, were arrested at Kennedy International Airport trying to import five kilograms of high-grade heroin into the United States. Both pleaded guilty to drug-related charges and were sentenced to probation when Sami agreed to turn federal informer and help the DEA capture other drug dealers.

Assistant U.S. Attorney John McEnany said Annabi had cooperated with the DEA on some undisclosed cases.

"Obviously," the prosecutor added, "they didn't have an eye on him all the time."

While the DEA's eye was not on Annabi, his eyes were on Middle Eastern heroin. Burke said their investigation indicated that couriers were bringing heroin into the country by way of California, Boston and Canada as a result of strict security at New York airports.

As the drug probe neared completion, investigators believed Annabi was becoming suspicious that he was being watched.

At one point, said state and federal investigators, Annabi enrolled as an informer for the Yonkers Narcotics Unit. It is not known why.

The investigation was a joint effort by the U.S. Attorney's Office, the Westchester County District Attorney's Office and the President's Organized Crime Drug Enforcement Task Force made up of representatives of the DEA, the U.S. Customs Service, the Internal Revenue Service, the FBI, the U.S. Marshal's Service, the Bureau of Alcohol, Tobacco and Firearms, and the Coast Guard.

When investigators arrested Annabi on Dec. 18, 1984, in the parking lot of the Holiday Inn Hotel on Tuckahoe Road, police thought he was making a drug deal. Burke said car lights were flashed and other methods used, giving investigators the idea that a drug deal was under way.

However, when police captured Annabi and others, they found only packages filled with pastry, not the heroin that investigators thought he might have.

Despite the lack of drugs, investigators said they found hundreds of thousands of dollars in cash and jewelry in safe-deposit boxes at the homes of Annabi and his relatives.

Police seized $1,108 found on Annabi at the time of his arrest and $[illegible] from the brother-in-law's Linden Street apartment. Two days later, $[illegible] was seized from a Westchester Federal Savings Bank safe-deposit box belonging to Annabi's brother-in-law, and on Dec. 24, 1984, $104,000 in jewelry was seized from Annabi's wife's safe-deposit box.

"Sami wasn't working on the street; he was dealing in kilos," said Burke. "Sami was one of the biggest importers and distributers of heroin that I've ever come across."

Statement

of

ROBERT M. STUTMAN

Special Agent in Charge
New York Field Division

DRUG ENFORCEMENT ADMINISTRATION
U.S. Department of Justice

on

# THE CRACK SITUATION IN NEW YORK CITY

before the

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL
U.S. House of Representatives

Charles B. Rangel, Chairman

July 18, 1986

New York, New York

Mr. Chairman and Members of the Select Committee, I am pleased to appear before you to give testimony on crack, a potent and dangerous new form of cocaine abuse. When I testified before this Committee in November 1985 on drug trends in New York State, I mentioned crack as a particular concern to the law enforcement community because it had the potential to become a major abuse problem. Unfortunately, the low price and extremely addictive nature of crack has caused this potential to become a reality.

Crack first came to the attention of the New York Field Division of the Drug Enforcement Administration in the fall of 1985. The New York Joint Drug Enforcement Task Force made the first significant seizure of crack on October 25, 1985. Crack abuse has since reached epidemic proportions in New York and has become a major law enforcement and medical treatment concern. In my 21 years in Federal drug law enforcement, I have never seen a drug accepted so rapidly by the abuser population as crack.

Crack is derived from the more familiar snorting cocaine, cocaine hydrochloride, which is a salt form of cocaine. A relatively simple process using baking soda or ammonia converts the cocaine hydrochloride salt to cocaine in its alkaloid form, commonly known on the street as crack, rock, base, or freebase. This conversion process is not complicated and does not involve the use of hazardous chemicals.

Unlike cocaine hydrochloride, crack or other base forms of cocaine can be heated and the fumes inhaled or smoked. Inhaling the crack fumes into the lungs is the most efficient method of absorbing cocaine into the body, resulting in the cocaine getting into the bloodstream and to the brain more rapidly and in higher concentrations. This intensifies all of the effects cocaine has on the body. The high is quicker and more intense, but is also of shorter duration, followed by deeper depression.

In order to escape the intensified depression, the user will often seek out more crack. This causes a cycle of crack use and depression that leads to rapid addiction. According to the National Institute of Drug Abuse (NIDA), an addiction to cocaine snorted in the usual way generally develops after three to four years of abuse. However, NIDA reports that crack abusers are usually addicted after only six to ten weeks.

Dr. Arnold Washton, Research Director of the National Cocaine Hotline (800-COCAINE), has compiled a number of statistics based on information given by individuals calling the hotline. Although the statistics represent only those who have called the hotline and not cocaine users in general, some of the numbers are nevertheless very illuminating.

Prior to October 1985, the hotline had not received any calls about crack. During a May 1986 survey, approximately 33 percent of the calls were people using crack. In the survey, cocaine snorters reported using the drug for an average of 4.9 years before calling the hotline. However, 74 percent of the crack abusers calling the hotline had been using crack 12 months or less. Probably the most tragic finding from the survey is that 18 percent of crack abusers calling the hotline, almost one in every five, reported attempting suicide--not contemplating, but actually attempting to kill themselves.

I would like to provide the Committee with some background on crack trafficking in the New York area. A form of cocaine similar to crack but known as "rock" has been available in Los Angeles for the last five years. Crack probably first was abused in New York about two years ago and, as stated, the DEA New York Field Division first began receiving information on crack last fall.

The origin of the name cannot be traced to a specific individual or neighborhood. Some claim the name refers to crack's resemblance to pieces of plaster that crack away from tenement walls. Others say it comes from the crackling sound it makes when heated and smoked. We believe crack distribution started in the Harlem-Bronx areas and eventually spread throughout the city and suburbs.

Most crack encountered for retail sale is packaged in small clear plastic vials with stoppers. These vials are similar to the glass vials used for perfume samples and are used legitimately for the packaging of extremely small items, such as semiconductors or watch parts. The vials are popular for crack distribution for several reasons. They are easy to transport and conceal on the person, including in body cavities, because the vials are waterproof. The vials also allow the buyer to visually inspect the product before purchase. Wholesale quantities of crack vials, usually 100, are packaged in large plastic bags, similar to freezer bags.

In some areas of New York, crack is being sold in small glassine bags. We are now encountering crack vials placed in glassine bags, which are then sealed and stamped with a "brand name," similar to the way heroin is marketed. This affords an illusion of quality control and gives the buyer a specific name to ask for when making a subsequent drug purchase. Some of the brand names encountered in the Lower East Side of Manhattan are "White Cloud," "Cloud Nine" and "Super White." The brand names

"Serpico," "Conan," "Lido," "Baseball" and "Handball" have been identified in the Washington Heights area of Manhattan.

Crack vials have also been place in small one-inch plastic bags and hermetically sealed, and crack has also been marketed in assorted colored capsules. In Suffolk County, New York, crack is being sold in small pyrex tubes that can also be used to smoke the crack.

The price of crack has remained relatively stable at $10.00 -- $20.00 per vial, depending on the amount of crack in the vial. However, prices for individual vials of crack have been as low as $2.00 -- $5.00. The amount of crack in a vial ranges from 65 to 135 milligrams per vial, with 100 milligrams about average. The price is higher outside New York City, with crack in the suburban areas selling for $20.00 -- $25.00 per vial. Although crack packaging and prices have remained relatively stable, rapid changes are possible because of the lack of central organization and control in crack distribution.

The purity of crack exhibits seized to date ranges from 60 percent to 90 percent. Although this purity is higher than that found on street-level cocaine, the belief that crack is a purified form of cocaine is not accurate. Over 75 percent of the materials used to "cut" cocaine survive the crack conversion process and are present in crack. Adulterants, or "cuts," such as Procaine, Lidocaine and Benzocaine also enter the bloodstream directly when crack is smoked, thus posing additional health hazards to crack abusers over and above the hazards of crack itself.

We have received intelligence that non-drug materials are being sold as crack. Small chunks of plaster of paris or brown soap, when placed in a vial, resemble crack. According to a report from Queens, one individual was placing the coconut section of a Mounds candy bar in small vials that were then sold to abusers as crack.

Crack is available in all areas of New York City and most suburban areas. Intelligence from DEA offices in other areas of New York State indicate that limited supplies of crack are available in Albany, Rochester, and Buffalo. Crack is also reported to be available in numerous other cities around the country. Reports indicate New York City is the source for the crack for some of these cities.

However, freebase abuse is not only a problem within the United States. A March 1, 1986 article in The Lancet, reported on "Epidemic Free-Base Cocaine Abuse." The article states that beginning in 1983, a sharp increase was noted in the number of new admissions to the only psychiatric hospital and only psychiatric outpatient clinic in the Bahamas. In summary, the study stated that the cause of the medical epidemic seemed to be a switch by pushers from selling cocaine hydrochloride to the almost exclusive selling of cocaine freebase.

Crack is sold in the streets, from crack houses and from crack spots. A crack house is a fortified specialty dwelling from which crack is distributed. A crack spot is a take-out only service operated from an apartment with a small hole in the door through which the crack and the money are exchanged. Abandoned buildings, storefronts and video arcades are also used for crack distribution.

Because smoking crack requires paraphernalia such as small glass pipes and a small acetylene or butane torch or other source of heat, base houses have come into existence. They provide a place for users to rent the paraphernalia and use their crack, and are comparable to opium dens or heroin shooting galleries. These locations are usually in a clubroom, apartment, or similar private place. There is usually a small admission charge to enter the base house and a seperate charge for the use of rental paraphernalia.

Currently, in New York the majority of street sellers and buyers of crack appear to be between 20 and 35 years old. However, increased teenage abuse is being noted and we are aware of reports that children as young as 10 or 11 are being introduced to crack. Crack abuse is not a problem confined to specific ethnic or social classes. Abusers can be found at any level of society. Some of the reasons given for crack's rapid rise in popularity with abusers are low price, a better high, no needles, and therefore no fear of AIDS transmission.

Most crack abusers begin to report suffering from intensified adverse effects of cocaine addiction. The addiction takes place much faster and the adverse effects such as depression and paranoia, are much stronger in a crack addict. Most crack addicts report intense cravings for the drug and claim they will do anything to get it. Many report committing street crimes to obtain money for crack. Many addicts report engaging in sexual activity, sometimes extensively, to obtain money for crack and the paranoia that is symptomatic to cocaine addicts may account for the violent crime that has been associated with crack.

The Drug Enforcement Administration is committed to working with state and local authorities to combat the extremely serious crack abuse problem. The law enforcement response to crack is complicated by the lack of organization in the crack marketplace.

The simplicity of the crack conversion process allows almost anyone with access to small amounts of cocaine to manufacture crack. As a result, crack manufacture and distribution consists of numerous "cottage industry" distributors, instead of several large identifiable organizations controlling significant market areas, as is found with the distribution of other drugs. This hampers law enforcement efforts as there are no large organizations to identify, target, and immobilize.

This lack of organization causes crack trafficking trends to vary widely, making intelligence gathering more difficult. The first step in formulating an effective, combined law enforcement response to the crack problem is to develop accurate intelligence. To this end, in early May of this year, such a unit was established in the DEA New York Field Division. This unit, consisting of two DEA Special Agents, two New York State Police Investigators, One New York City Detective, and one DEA Intelligence Analyst, is currently collecting and analyzing information that will enable law enforcement management officials at the Federal, State, and local level in New York to better address the crack problem. This intelligence will also be a part of the national survey now being conducted by the DEA Office of Intelligence.

The DEA New York Field Division has already prepared a preliminary intelligence report on crack that has been distributed to DEA Headquaters and all DEA Field Divisions, and to the New York State Police, the New York City Police, and numerous other interested agencies. The DEA New York Division Office also sponsored a mamangement conference on crack on June 19, 1986. Associate Deputy Attorney General Charles Blau, DEA Administrator Lawn, and a number of other DEA management officials, as well as experts in the field of drug abuse and treatment, met to discuss the crack problem in general, and the Federal response in particular.

Our response to crack is certainly not limited to management and intelligence initiatives. The DEA New York Unified Intelligence Division (UID) maintains liaison with the New York City Crack Task Force established by Police Commissioner Ward. UID Special Agents and Detectives exchange information with the Crack Task Force. Group members would be physically located with the Task Force and would follow up on Task Force arrests and seizures with the aim of developing information leading to sources of supply and other crack processing sites.

The DEA New York Field Office and the New York Joint Drug Enforcement Task Force have also been involved in significant crack investigations. To date, these investigations have resulted in the seizure of 6.2 kilograms of crack and over 4 kilograms of cocaine which might have been converted to crack. Along with the drug seizures, over $45,000 in U.S. currency was seized, along with eight handguns, and a sawed-off shotgun. Fifty-eight arrests were made and about 30 percent are believed to be illegal aliens. Three Colombian nationals, all illegal aliens, were arrested in two seperate investigations. Most of the seizures and arrests have taken place in the Harlem and Washington Heights areas of Manhattan, with one notable exception which took place in Brookyln.

As previously stated, the numerous individual entrepreneurs in the crack trade have created a proliferation of cottage industry crack marketers, thus, the crack trade does not have the traditional structure which is found in the illegal distribution of almost all other controlled substances. This renders our traditional law enforcement strategy of interrupting drug distribution by immobilizing major organizational traffickers far less effective. Other major cities in the United States also report the same cottage industry marketing that is in New York.

Crack is fast becoming a national problem. We support a national approach that includes both crack supply and demand reduction efforts through law enforcement, education and treatment at local, state and Federal levels. The development and execution of an effective nationwide strategy against crack trafficking and abuse is one of the major challenges facing drug law enforcement and drug prevention professionals today.

I would be pleased to answer any questions you may have.

Council of Churches of the
City of New York--Robert L. Polk,
Executive Director

July 18, 1986

TESTIMONY OF DR. ROBERT L. POLK PREPARED FOR PRESENTATION TO THE U.S. HOUSE OF REPRESENTATIVES SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL---NEW YORK CITY HEARING ON JULY 18, 1986

Congressman Rangel. Other distinguished members of the select committee. Thank you for this opportunity to speak with you about the drug problem in our city and about Crack. Let me take just a moment to salute Mr. Rangel for his untiring efforts and long struggle against narcotics abuse. You, sir, were concerned about this destroyer of lives from your earliest days in Congress. Your persistence in this concern speaks loudly of our dedication. And, on behalf of myself and the Council of Churches of the City of New York, I want you to know that your efforts are deeply appreciated.

THE SITUATION

New York City, as you well know, is not a stranger to drug-related problems. Just recently one of our City police officers was killed by a suspected crack dealer. the problem is here and it's real. And our sensitivity to the cocaine and crack disaster is heightened by the deaths of two prominent athletes. So let me say, at the outset, that we are the Council of Churches of the City of New York are quite determined to do all we can to turn the tide on this evil which is invading the lifes of so many.

So that you will understand the deep concern the Council feels for this problem, let me make you aware of the fact that eight out of ten Protestants in New York City are Black. In fact, nine out of ten are not white, figuring in the other ethnic groups who are part of Protestant churches. That may surprise you. As a person of color, the problems I see every day in the socially, economically and educationally underserved communities pains me to the quick. Those most at risk from addiction in this town represent our major constituency. It's no wonder we're concerned. We at the Council are looking at a host of problems in these communities: poverty, racism, homelessness, AIDS, hunger, unemployment, destitute youth, school dropouts. All of these things confronting the church, individuals, society in general, play their part in addiction of all types. Sometimes, in the face of these distressing problems I've mentioned, it's hard to know what to do, how to do it, how to find the means to help, to provide the staff to respond. Yes, we're concerned about crack and want to do something. And we will. We have specific ideas. But understand that we see crack and all addiction problems in the context of the other problems we address. I think that approach is helpful. Crack is not an isolated problem. It is, in many ways, a symptom of the misery experienced by out folks.

HOW TO APPROACH THE PROBLEM

What I would plead for is that crack be addressed by everyone together instead of piecemeal. Within religion I stress that we need an ecumenical, an interfaith approach if anything significant is going to be done. I call upon the other faith groups to join with the Council and give attention to this now! I call upon the New York Board of Rabbis, the Diocese of Brookly and the Archdiocese of New York to mount a joint effort, to call a news conference where we will pledge our cooperative efforts in a mutual assault on crack. We must save our children in the City right now. If, like so many other concerns, we wait until the predominantly White suburbs are affected before getting into gear, all will be lost. If we allow the prevailing attitude of marginalization to permit neglect of inner city crack users, then we've allowed racism to guide our action. As faith and community groups came together on housing, homelessness and hunger, we must similarly come together on crack. The Council of Churches of the City of New York, in the midst of addressing all the other problems I mentioned, will join in--willingly, ecumenically, cooperatively. But we aren't deluded into thinking that individual programs, one-shot actions, singular approaches will work. They won't.

COUNCIL ACTION IS UNDERWAY

Having told you who we are and what we do, let me say that the Council hasn't waited until the visit of this select committee to get going on crack. The Council, along with the New York State Division of Substance Abuse Services and the Center for the City, a social service-oriented organizations related to the Council, is holding its first workshop on crack on Wednesday, July 30th, from 8:30 to 11:30 a.m. here in the City. Our target audience is members of the clergy and their parishioners **because our congregations** are located in the neighborhoods where crack and other drug abuse is rampant. They aren't some outside force. They are there already. They know the people. They know the problems. What they need is some better information on crack and the chance to think through ways of cooperating in this struggle. This workshop is but an initial step in what we see as an overarching planing to set up a special unit, much as we set up the Minority Task Force on AIDS, which will specifically target crack and cocaine, substance abuse, the whole area of addiction and addictive behavior. We want to be enablers in the best sense of the word, working at all levels within our power to stem the tide of addiction and turn it around.

## CHURCH RESPONSE UNTIL NOW

Now comes the "truth in testifying" section! The religious community is not all that good at dealing with any kind of addiction, be it alcohol or drugs. However, some fundamentalistic and pentacostal churches have had some interesting and impressive results in working with substance abuse--bringing people, cold turkey, off of drugs using love and the tenets of the faith as their method. They provide a good model, especially since they give people a new sense of worth and dignity. But many mainline church bodies have been astoundingly silent, perhaps caught up in the permissiveness that has been so much a part of our society over the past several decades. To be frank, I'm not one of those who is a "thou shalt not" Bible-beater. But I do feel in my bones that we haven't done our youth any service by refusing to provide guidelines and boundaries beyond which we say people shouldn't stray.

## THE SPECIAL ROLE OF THE CHURCH

Our aim for the proposed unit dealing with drugs, which I mentioned a moment ago, is to work on developing policies on education, prevention, intervention and counseling. At the heart of our concern is a commitment to the health and wellness of all of God's children, especially those coping with the disease of addiction. There have been quite a number of calls to action within the churches to get involved with this kind of a ministry, but the follow-through hasn't matched the rhetoric. I believe that crack may be the straw which finally has pushed people over the line toward action. I believe we are called to become involved, to intervene, to minister.

I see two special roles for the church in this:

- to help government in policy setting and advocacy;
- to educate our constituency and to work on programs of prevention and care-giving.

It's obvious to me, as perhaps it is to you, that drug abuse is having a serious, negative effect on society. Experts tell me that they see a dramatic increase in crime on the street. I'm sure you've heard that today. Those in treatment programs are increasing in number. Crack is robbing people of their ability to function and creating a group of users who will do anything to maintain their habit. We are a society which believes in the quick fix--use pills, try a potion, take a drink. The addiction process is at work.

By policy setting with church involvement I mean:

- helping to confront the cult of chemistry built up by the alcohol and drug companies and setting clear lines for what is acceptable and not acceptable. The clearer the line is, the less tendency there is to cross it;

In education, programs of prevention and the provision of care, there are some things which churches uniquely can do, and this is based on the religious and moral heritage that views each individual as a person of worth. The churches can focus on the spiritual needs of persons--
the need: for an object of devotion,
to move from guilt to reconciliation,
to transcend life's day-to-day problems,
for a renewal of trust and hope in the future,
for a caring community.

It is in the community of faith that persons find meaning and purpose in their lives, particularly as they begin to see their role in the healing and redemptive ministry to others. When the church is a nurturing, supportive community addressing spiritual needs, prevention and intervention in addiction problems can happen. The importance of the church's role in setting health values and standards about chemical use cannot be overemphasized.

PROGRAM OF ACTION

We, as the Council of Churches, will be:

* going into the communities and gathering church clusters for local ecumenical action;
* aiming toward training clergy and laity as counselors and community workers;
* looking into into the use of church facilities for drop-in and counseling centers;
* investigating a sort of "chemical awareness training" technique using experts to train those who will counsel others--a sort of teach the teachers approach;
* creating regional and community-based clusters of trained and involved church people who will gather together for regular conferences and group sessions utilizing the organizational structures and communities which already exist·
* combining youth initiatives and programs in communities to focus on this problem;
* proposing that worship services, educational programs and church meetings be used for the development of awareness and the strengthening of programs oriented toward prevention and care in substance abuse;
* fostering the thought that possibilities exist within continuing activities, such as pre-marital counseling, where chemical abuse, which frequently is the cause of marriage and family problems, should be discussed;
* stressing to our churches and church people and others in the community the concept of responsible hosting at parties and gatherings;

- publicizing places and people who can provide help in times of crisis;
- linking our churches together in this common concern and will work to set aside in specific parishes the space needed where help groups can meet with competent leadership.

In other words, our job, in working with you, is to educate our chu-ches and clergy to this problem, to develop on-going training activities to help care givers in their work, and to work in harmony with all others in this massive problem.

OTHER WAYS OF HELPING

We can, and will, stand firmly behind drug education in the schools, from kindergarten through twelfth grade. And we must be bold enough to promote enactment and enforcement of adequate laws pertaining to all drugs. Legal controls must be there. I think you will find wide support for that.

CONCLUDING OBSERVATIONS

Let me return to what I said at the beginning. Drug problems do not arise out of a vacuum. Governments, at all levels, need to face squarely the fact that channeling resources into "things instead of people" has a profound effect. Poverty, poor housing, no jobs, racism, prejudice, low self-esteem which results from governmental attitudes which are against the underclass, all of these things take their toll and create the climate for addiction. Much as you, and I, would like to put this into a neat package marked "drug abuse," it just won't fit. As you know so well, this is indeed an interconnected world and government policies on taxes, welfare, housing, weapons, jobs training, assistance to mothers with dependent children, help to families dealing with children with profound medical difficulties, all of this is part of the tapestry that helps to create addiction.

And I think we, together, have a big job ahead of us in making more emplouers aware of the problem and what they can do to help. The

Council, and others involved with summer youth employment programs should, perhaps, find a way to pay for an additional half day for these young people for drug education. The need is vast. And our response needs to be comprehensive. And we need to help our clergy to be better trained in dealing with addicted people, especially with crack addiction. Clergy are very vulnerable and naive with regard to the crack psychology. They get suckered in by people who come to them in need. I know. I've been suckered myself by a person who, it turned out, has a crack problem. So that's another aspect of the work we must do that dovetails with what others are doing.

And, not to be melodramatic about this, we have to cut out the b.s. that targets only the street pusher and user to the exclusion of the biggies, the kingpins in fine suits who are the criminal top eschelon perpetrating this disaster upon us from on high for huge profits. Some of these folks may conveniently be hiding behind corporate bureaucracies. Hit the top--no matter how much influence and money they have. If we don't, we'll keep sweeping up the small fry and ignoring the source of the pollution.

To go back to the beginning, there is no one "devil" we can blame for what is happening. All of us, in some way or other, are part of the problem. I pledge that the CCCNY will be active in addressing this problem. We will work with you and others as partners. We will work on education, workshops, materials, training for care givers, support centers and the like. We must not be overwhelmed by this task, no matter how large it may appear. Each of us, together, day by day, can make a difference. I'm pledging you my personal dedication to this cause and that of the Council of Churches of the City of New York. Together we can make a difference!

TESTIMONY OF
BENY J. PRIMM, M.D.
EXECUTIVE DIRECTOR
ADDICTION RESEARCH AND TREATMENT CORPORATION
PRESENTED BEFORE THE
HOUSE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL
CONGRESSMAN CHARLES B. RANGEL, CHAIRMAN

## AIDS UPDATE

Friday, July 18, 1986
United States Court of International Trade
Ceremonial Courtroom
One Federal Plaza
New York City

# AIDS UPDATE

Beny J. Primm, M.D.

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE I WANT TO THANK YOU FOR ALLOWING ME TO COME BEFORE YOU TO UPDATE THE COMMITTEE ON THE STATUS OF THE DEVASTATING DISEASE OF ACQUIRED IMMUNE DEFICIENCY SYNDROME AND ITS PRECURSOR THE AIDS RELATED COMPLEX. AS OF JUNE 30th, 1986 THERE HAVE BEEN 22,173 CASES REPORTED TO THE CENTERS FOR DISEASE CONTROL (CDC) IN ATLANTA. INCLUDED IN THAT REPORT WAS 12,186 KNOWN DEATHS AND COUNTLESS OTHERS THAT ARE EXPECTED TO CONTRACT THE DISEASE.

I HAD THE GOOD FORTUNE TO BE AMONG 85 PROMINENT RESEARCHERS CHOSEN TO ATTEND A CONFERENCE SPONSORED BY THE U.S. PUBLIC HEALTH SERVICE TO PLAN FOR THE AIDS PROBLEM FOR THE NEXT FIVE YEARS. IT WAS CONCLUDED THAT BY THE YEAR 1991 THERE WOULD BE REPORTED TO THE CDC BETWEEN 155,000 AND 220,000 CASES AND THAT THERE WOULD BE BETWEEN 142,000 TO 201,000 DEATHS. THESE STATISTICS ARE ALARMING BUT THEY PALE WHEN COMPARED TO SOME COUNTRIES IN CENTRAL AFRICA LIKE ZAIRE, UGANDA RWANDA AND OTHERS WHERE THERE HAVE BEEN PREDICTIONS OF ONE HALF OF THE TOTAL POPULATION DYING IN TEN YEARS. I MENTION THESE REPORTS SO THAT YOU MAY BEGIN TO PERCEIVE THE GLOBAL IMPACT OF THIS DISEASE; AND THAT AS THE LEADER OF THE FREE WORLD HOW IMPORTANT IT IS FOR US TO SET EXAMPLES OF HOW TO MANAGE GREAT NUMBERS OF A POPULATION AFFECTED BY THIS PROBLEM.

IT WAS THE CONCENSUS THAT THIS DISEASE IS TRANSMITTED BY SEXUAL, PARENTERAL AND PERINATAL CONTACT WITH THE HUMAN IMMUNODEFICIENT VIRUS OR HIV, THE NEW INTERNATIONAL NAME BY WHICH THE VIRUS IS NOW BEING CALLED.

ALTHOUGH THIS DISEASE HAS BEEN MOST OFTEN RECOGNIZED IN HOMOSEXUAL AND BISEXUAL MEN AND INTRAVENOUS DRUG USERS, IT IS CLEAR THAT IT DOES NOT DISCRIMINATE BY SEX, RACE, AGE, ETHNIC GROUP OR SEXUAL ORIENTATION. THERE ARE HOWEVER A DISPROPORTIONATE NUMBER OF BLACKS (25%), AND HISPANICS (14%) AFFECTED NATIONALLY, BUT HERE IN N.Y.C. BLACKS REPRESENT 31% AND HISPANICS 22% OF THE TOTAL 6,751 CASES. THERE STILL REMAINS A VOID OF PREVENTION AND EDUCATION PROGRAMS IN MANY AREAS OF NEW YORK CITY SUCH AS CONGRESSMAN RANGEL'S OWN 16th CONGRESSIONAL DISTRICT WHICH RANKS 3RD IN THE WORLD IN THE RECORDED NUMBER OF DEATHS PER 10,000 POPULATION.

CLEARLY THIS PROBLEM NEEDS IMMEDIATE ATTENTION. WHAT IS EVEN MORE STARTLING, AND EXTREMELY SERIOUS AND ALARMING IS THE DEFENSE DEPARTMENT'S REPORT ON THE VIRUS ANTIBODY PREVALENCE IN U.S. MILITARY RECRUIT APPLICANTS. THE SCREENED POPULATIONS WERE YOUNG, IN THEIR LATE TEENS, (54%), AND EARLY TWENTIES (33%), 85% MALE AND 77% WHITE. 0.9/1000 WHITE MALES TESTED WERE POSITIVE FOR THE ANTIBODY AND 3.9/1000 FOR BLACKS, AND TWICE (1.6/1000) AS HIGH FOR MEN THAN FOR WOMEN (0.6/1000). WHAT IS DISTURBING HERE IS THAT PEOPLE WHO TEST POSITIVE FOR THE ANTIBODY HAVE BEEN INFECTED AND ARE INFECTIOUS WITHOUT SYMPTOMS, POSING A SILENT POTENTIAL DANGER FOR SOCIETY IF THEY ARE SEXUALLY INTIMATE WITHOUT PROTECTION OR IF THEY SHARE NEEDLES, BLOOD OR BLOOD PRODUCTS.

INTRAVENOUS DRUG USE REMAINS THE MOST SUSPECT AVENUE FOR THE GREATER TRANSMISSION OF THE VIRUS INTO THE HETEROSEXUAL COMMUNITY. THERE HAVE BEEN MAJOR INITIATIVES ON THE PART OF THE NATIONAL INSTITUTE ON DRUG ABUSE AND LOCALLY, THE N.Y.

STATE DIVISION OF SUBSTANCE ABUSE SERVICES TO THWART THIS DANGER. HOWEVER, THERE ARE ESTIMATED 1 TO 1.5 MILLION AMERICANS INFECTED WITH THE VIRUS AND A SIZABLE NUMBER OF THESE ARE NEITHER HOMOSEXUAL/BISEXUAL MEN NOR INTRAVENOUS DRUG USERS. TWENTY PERCENT OF NEW YORK CITY'S PROSTITUTES TESTED WERE POSITIVE FOR THE ANTIBODY TO HIV. THIS LATTER DATA COMBINED WITH THE INFORMATION CONCERNING MILITARY RECRUITS SUGGESTS OTHER AVENUES OF TRANSMISSION OF THE VIRUS TO THE HETEROSEXUAL COMMUNITY.

MANY EXPERTS BELIEVE THAT THERE IS GROSS UNDERESTIMATION, UNDERREPORTING OR UNDERASCERTAINMENT OF AIDS AND ARC CASES, AND THAT THIS IS BEING DELIBERATELY DONE BY HEALTH CARE PROFESSIONALS IN ORDER NOT TO BE LABELED AS A PHYSICIAN OR HOSPITAL THAT DEALS WITH THIS DREADFUL DISEASE. THE HEALTH CARE DELIVERY SYSTEM MUST BE MORE CLOSELY MONITORED TO INSURE THAT ALL PATIENTS ARE TREATED ADEQUATELY WITH APPROPRIATE FOLLOW-UP AND SUPPORT CARE.

DRUG ABUSE AND DEPENDENCE HAS NOW BECOME THE SECOND LEADING MENTAL HEALTH PROBLEM FOR OUR NATION: AIDS OFTEN PRESENTS AS A CENTRAL NERVOUS SYSTEM DYSFUNCTION AND MANY AIDS PATIENTS SUFFER FROM WELL DEFINED AND OFTEN TREATABLE FOCAL LESIONS RESULTING FROM OPPORTUNISTIC INFECTIONS AND A MORE COMMON GENERALIZED ENCEPHALOPATHY WHICH INCLUDES DEMENTIA AS A PROMINENT FEATURE. THESE SERIOUS MENTAL HEALTH PROBLEMS OF AIDS ARE ADDING TO THE ALREADY OVERBURDENED MENTAL HEALTH TREATMENT NETWORK. THE FEDERAL GOVERNMENT MUST ACT TO ASSIST US IN MEETING THIS CRISIS TO AVOID THE SERIOUS PERSONAL CONSEQUENCES OF THIS DISEASE.

THE OUTLOOK FOR THE DEVELOPMENT OF A VACCINE OR EFFECTIVE TREATMENT THERAPIES REMAINS DIM AND BLEAK. ALMOST ALL OF THE HOPEFUL MEDICATIONS RESEARCHED HAVE SHOWN LITTLE PROMISE.

ONE METHOD THAT HAS SHOWN EARLY SUCCESS IS BONE MARROW TRANSPLANTS. TRANSPLANTS FROM AN IDENTICAL TWIN IN ONE OUT OF THREE CASES SHOWED A POSITIVE CHANGE AND REVERSE OF AN IMPAIRED IMMUNE RESPONSE. HOWEVER, THIS METHOD IS EXPENSIVE AND CAN ONLY BE USED IN A LIMITED NUMBER OF CASES.

IN CONCLUSION MR. CHAIRMAN I RECOMMEND THAT HOSPICES, MENTAL HEALTH SERVICES AND OTHER SUPPORT SYSTEMS, HOUSING AND PROFESSIONAL CAREGIVERS FOR THIS POPULATION MUST BE PROVIDED IN ORDER TO INSURE DIGNITY OF DYING AND A MORE PLEASANT TRANSITION FROM LIFE TO DEATH.

PREVENTION AND EDUCATION EFFORTS MUST BE TARGETED TO THOSE COMMUNITIES WHERE INCIDENCE AND PREVALENCE OF DRUG USE IS ENDEMIC. THEY MUST BE CULTURALLY SENSITIVE; HIGHLY ACCESSIBLE AND NUMEROUS IN ORDER TO COMBAT THE HIGH RISK BEHAVIORS THAT CAN LEAD TO AIDS, FEAR, ANXIETY AND OSTRACISM OF THE AFFECTED POPULATION.

THANK YOU.

FROM THE OFFICE OF
**Senator Daniel Patrick Moynihan**
New York

STATEMENT BY

SENATOR DANIEL PATRICK MOYNIHAN

TO

THE HOUSE SELECT COMMITTEE ON NARCOTICS' HEARING

ON

"CRACK"

JULY 18, 1986

I thank you for inviting me to this important hearing on "crack" and the overall problem of drug abuse in New York City. The "crack" epidemic in New York is part of the widespread drug abuse crisis that is affecting cities all across our nation. I regret that I can not be here today but, unfortunately, my reponsibilities as a tax conferee dictate that I must be in Washington.

I have long been involved in federal efforts to curtail the influx of drugs into the United States. In 1969, as Counselor to the President, I went to Turkey to negotiate with those governments to put a stop to the poppy production and heroin export that supplied our nation with this lethal narcotic. In the Senate, I have introduced legislation to prohibit the provision of foreign aid to countries whose governments do not cooperate with American efforts to halt the flow of heroin into the United States.

But as you well know, Mr. Chairman, the drug abuse crisis must be dealt with not only on the level of importation and distribution, but on the level of treatment and prevention as well. Our children must be educated about the dangers of drug abuse; they must be given the ammunition with which to fight the pressures on our city streets which lead to drug abuse.

As a recent New York Times editorial eloquently stated, the need for cooperation between city, state and federal officers is essential to any successful campaign against drug abuse. That is why we introduced H.R. 526, and its companion in the Senate, S. 15, on the first day of the 99th Congress. This legislation, if enacted, would authorize the Attorney General to distribute $125 million to State and local governments for the apprehension, prosecution and imprisonment of drug traffickers and pushers. It would also authorize the Secretary of Health and Human Services to distribute an additional $125 million to support State and local drug prevention, treatment and rehabilitation programs.

Mr. Chairman, S. 15 is currently pending in Senator Hawkins' Subcommittee on Children, Family, Drugs and Alcohol. Although Senator Hawkins has made many speeches on the Senate floor on the evils of drug abuse, she has yet to hold hearings on S. 15. On Monday, I wrote to Senator Hawkins urging her to hold hearings at the earliest possible date. It is my hope that she, as well as my other colleagues, will see the desperate need for this legislation and act on it as soon as possible.

Mr. Chairman, I commend you for holding these hearings on drug abuse. Public forums such as these are crucial to educating the public to the dangers of drug abuse. I am grateful to have been able to share my views with my distinguished colleagues here today.

**UJA-FEDERATION OF NEW YORK**
130 East 59 Street, New York, N.Y. 10022 (212) 980-1000

TESTIMONY PREPARED FOR HEARING OF SELECT COMMITTEE ON
NARCOTICS ABUSE AND CONTROL

July 18, 1986

Mr. Chairman,

Good afternoon. I am Rabbi Hillel Friedman, Acting Executive Director of the Department on Religious Affairs of the UJA-Federation of New York. I appreciate the opportunity to tell you of the great concern of the Jewish community with the menace of the current drug epidemic, and particularly the increased use of crack.

One of the great obstacles in the Jewish community to confronting the problem is to acknowledge that there is a problem at all. We are victims of our own ethnic stereotype, reflected in the Yiddish saying, "Es past nisht far Yiddin." (Jews just don't do these things.) I must tell you that Jews do do these things, and that denial is a serious detriment to mobilizing our resources for services to addicts and their families.

A number of agencies funded by UJA-Federation are overcoming such stereotypes as they help victims and those close to them.

The JACS Foundation, Inc. (Jewish alcoholics, chemically dependent persons, and significant others,) sponsors weekend retreats and support programs run by recovered abusers.

The Jewish Community Services of Long Island sponsors "Living Free", a program for drug abusers. People in this program include adolescents and people of all ages, through the 40's. At present, this program is at 146% of capacity.

The Jewish Board of Family and Children's Services operates a training program for professionals who work with abusers and also provide referrals and information in the field.

The Task Force on Addictions of the Commission on Synagogue Relations recently co-sponsored with the Council of Jewish Federations a national conference on Addictions in the Jewish Community. The Commission seeks to act as a catalyst in alerting the entire Jewish community to the perils of addictions, and to serve as a clearing-house for information on the problem.

The Commission on Synagogue Relations provides two reference works in the field: The Resource Directory on Substance Abuse, which lists printed materials, self-help organizations, and educational presentations from public and private agencies, and the recently published Addictions in the Jewish Community, edited by Stephen J. Levy, Ph.D., and Sheila B. Blume, M.D.

The Board of Jewish Education is active in alerting students in the Jewish school system to the dangers of drug abuse. It recently produced a 17 minute video film, Responsible Choices, with Beth Israel Hospital. The film is shown to high school students and educators, as well as to Jewish educators, camp and Y directors. It establishes the existence of the problem, identifies the people who are at risk, and shows how to help current abusers. The film also provides a resource directory, and outlines techniques for working with people in treatment.

Ironically, Marx's description of religion as the opiate of the people should be understood affirmatively today. The fact is that religious people in general are less likely than others to turn to addictive substances. This is not to say that drug abusers are not to be found in the traditional community, for they certainly are. But where there is a strong religious ethic, strong family ties, and strong connections, there seems less likelihood of addiction.

The problem, Mr. Chairman, is not confined to crack. The problem is the emptiness for so many people of life itself.

The essence of such modern philosophy is that there must be something you can acquire, buy or steal which will quickly solve any problem. It seems to me that what we must do is to prepare our people to face the fact that life is not always an unmitigated pleasure. And that we must confront problems, rather than try to obliterate them with crack, or heroin, or for that matter, any quick fix.

Thank you.

JOHN T. COMER, Community Superintendent
JOHN M. BLANGIARDO, Director
JUDITH GOLD, Coordinator

**Alternatives**
Drug and Alcohol Prevention Program

COMMUNITY SCHOOL DISTRICT 22
2525 HARING STREET · BROOKLYN · NY 11235

(718) 891-8990

July 24, 1986

Honorable Charles B. Rangel, Chairman
House Select Committee on Narcotics Abuse and Control
H2-234, HOB, Annex 2
Washington, D.C. 20515-6425

Dear Congressman Rangel:

On Friday, July 18, 1986, Mr. Julio Martinez, director of New York State Division of Substance Abuse Services (DSAS), testified before the House Select Committee on Narcotics Abuse and Control. In his testimony he answered Congressman John Conyers, Jr.'s request to identify an effective school-based drug prevention program funded by DSAS. Mr. Martinez referred the committee to the Alternatives Drug and Alcohol Prevention Program of Community School District 22.

I am providing the committee and Congressman Conyers with an overview of the District 22 program and enclosing some of the publications issued as part of our school-based and community drug prevention effort. Please note that our school district is only one of 32 local districts in New York City.

Our program has served the youth and families of Community School District 22 since 1971. Currently we employ twenty drug counselors called youth advisors. We have the advisors assigned full-time to our five middle schools and part-time in twenty elementary schools that are part of District 22. We do not serve the high schools. They have their own component which is administered by the Board of Education's central headquarters.

Our staff conduct a range of services and activities which comply with DSAS' Guidelines for School-Based Substance and Alcohol Abuse Prevention Programs. These services include classroom presentations, discussion/rap groups, peer leadership, parent and community networking, individual, group, family and referral counseling services, teacher training, and parent/community workshops.

Our program not only works closely with the educational staff in our many schools, but we also have a major community component. In the forefront of this community effort is our district's Drug Abuse Prevention Council (DAPC) whose membership serve voluntarily. The Council includes clergy, parents and professional persons. In cooperation with the DAPC, we conduct community training programs. One such program involved over twenty local police officers from four of our districts police precincts. We also have an ongoing clergy conference series. We have conducted six clergy conferences over the past eight years. Approximately 250 local clergy have attended these conferences. We also work closely with local colleges. They provide support and technical assistance in the many projects we have initiated in our district. This year, we conducted a landmark conference on the question of drug testing. This conference, open to our community, explored the pros and cons involved in the issues of drug testing for students and adults.

In response to the sudden crack crisis, our staff visited all middle school classes prior to school closing and conducted special lessons in cooperation with our teachers. We also surveyed over 750 students to find out the extent of the crack awareness and involvement. We have made presentations to community groups and participated in a city wide radio broadcast concerning crack use.

Our program is also available to the public through a local help line. We provide information about community services and treatment programs. Our program was very involved in the Chemical People national campaign sponsored by the First Lady Nancy Reagan and various public figures and media representatives. We now have three Chemical People Task Forces operating within our school district and we work very closely with the volunteers involved. We support a network newsletter and distribute 15,000 copies to our district's community several times a year. I have enclosed copies of our various publications. A grant from the Metropolitan Life Foundation supports the publication.

We have an outstanding and well-rounded program that was recognized by Mr. Martinez. This does not mean we can rest on our past accomplishments. Our funding continues to be inadequate. We do not reach all students who are at-risk or involved in illicit drug use. We hope that the House Select Committee hearings will make the public and our legislators aware of the seriousness of the drug problem, and provide our professional programs with the necessary funding to effectively get the job done.

Respectfully submitted,

JOHN M.BLANGIARDO
Director

JMB:jv
Encs.
cc: Honorable John Conyers, Jr.

Approved: ______________________
John T. Comer, Community Superintendent

*New York City Coalition of School Based
Drug Prevention & Education Programs*

**OFFICERS**

**Chairman**
JOHN M. BUONGIARDO
District 22
2525 Haring St.
Brooklyn, NY 11235
(718)891-9[illegible]

**Vice-Chairman**
CONNIE McCULLOUGH
District 23
2240 Dean Street
Brooklyn, NY 11233

**Treasurer**
NORMAN WHITLOW
District 1
888 E. 6th St.
New York, NY 10009

**Secretary**
ART SMITH
District 9
380 E. 169th St.
Bronx, NY 10456

**Borough Representatives**

**Brooklyn**
FRANK CAPALDO
District 20
PETER DABBS
District 13

**Bronx**
MARTHA MC NEAR
District 8

**Manhattan**
LORRAINE
SPRINGER-SCOTT
District 5

**Staten Island**
HENRY MURPHY
District 31

**Queens**
MICHAEL CARTER
District 29

**STANDING COMMITTEES**

**Legislative**
MICHAEL CARTER
District 29
PETER DABBS
District 13
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District 8
NILDA MUNOZ
District 12
AUDREY SARNER
District 28

**Community Relations**
FRANK CAPALDO
District 20
LEAH KOENIG
District 18

July 29, 1986

Honorable Charles B. Rangel, Chairman
House Select Committee on Narcotics Abuse and Control
H2-234, HOB, Annex 2
Washington, D.C. 20515-6425

Dear Congressman Rangel:

I had the opportunity to attend the recent hearing on CRACK, conducted by the House Select Committee on Substance Abuse in New York City. I am currently director of the Alternatives Drug and Alcohol Prevention Program of Community School District 22, Brooklyn, NY, and have been involved in drug education and prevention in the New York City schools since 1970.

I was not invited to testify. Therefore, I am submitting this letter and the attached documents which I hope will be included as part of the official testimony to the Committee.

Crack has precipitated a drug crisis that has stirred the concerns and conscience of the general public and government officials. While much of the problem and current discussion focuses on crack, we advise the committee to be equally concerned with the use and abuse of alcohol and other illicit drugs by youth.

While there is a continuing need to expand the prevention effort for all illicit drugs, all New York City school-base drug prevention programs have been greatly concerned by the immediate crisis of CRACK. This is reflected in the development of CRACK lessons for use in the classrooms, CRACK training programs for drug prevention staff on a local and city-wide basis, and community presentations by trained staff concerning the crack crisis. In addition, the district school-based drug programs support local community action activities to alert the public, participate in rallies and task force efforts, and refer drug users to treatment programs when incidents of crack have come to the program's attention. By January 1986, enough information became available to school districts so that the actions noted above were developed and eventually implemented by June 30, 1986.

I would like to clarify some of the testimony and comments made at the New York City hearing. The New York City school system has a most comprehensive drug prevention program which has been serving youth for almost 15 years. The programs operate in all 32 local school districts and in the high schools. Our school officials, particularly principals, cooperate with and request expanded services. Most of the funding of these programs come from the New York State Division of Substance Abuse Services. I have attached additional information about the school-based efforts in New York City.

There is a need for greater involvement of parents, teachers, and other concerned persons in confronting the crack crisis. However, we hope that the increased awareness of the problem resulting from the Select Committee's Hearing on crack will have a positive impact on the continuing struggle to prevent all illicit drug use.

Sincerely,

JOHN M. BLANGIARDO
Chairman